THE

WORKS

OF

J. J. ROUSSEAU.

Tranſlated from the FRENCH.

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This VOLUME contains,

LETTERS written from the MOUNTAINS.

A letter to M. de VOLTAIRE.

ADVERTISEMENT.

I Am ſenſible it is now out of ſeaſon to take up a ſubject which hath already been too much agitated, and is almoſt forgotten. My preſent ſtate of health, which does not permit me to engage in a work of any length, and my averſion to polemical diſputes, have hitherto prevented my writing, and cauſed my reluctance to publiſh. I ſhould even have ſuppreſſed theſe Letters entirely, or rather I ſhould never have written them, did they relate only to myſelf. But my country is not become ſo indifferent to me, as to permit me tranquilly to ſee her citizens oppreſſed; eſpecially when they ſuffer oppreſſion for having intereſted themſelves in my behalf. I ſhould be the moſt contemptible of mankind, if, on ſuch an occaſion, I ſhould be influenced by a ſentiment, which would be neither candour nor patience, but weakneſs and cowardice, in him whom it ſhould prevent from diſcharging his duty.

Nothing, I confeſs, can be leſs important to the public than the ſubject of the following Leters. The conſtitution of a petty republic, the fate of a private perſon, the expoſing of a few acts of injuſtice, the refutation of a few ſophiſms; all this has in itſelf nothing conſiderable enough to merit the attention of the majority of readers. But if my ſubjects are inſignificant, the objects I have in view are great, and well worth the attention of every honeſt man. Geneva may be what it will, and Rouſſeau may ſupport his ſtate of depreſſion as he can; but the cauſe of religion, of liberty, and of juſtice! reader, whoever thou art, theſe are objects by no means undeſerving your notice.

It muſt not be expected, that the dryneſs of the ſubject is compenſated for, in theſe Letters, by the graces of ſtyle. The critics, who have been formerly ſo higly offended by ſome lucky ſtrokes of my pen, will here find ſufficient reaſon to be ſatisfied. The honour of defending oppreſſed innocence would have warmed my heart had I written in behalf of another; but reduced to the melancholy taſk of defending myſelf, it was neceſſary for me to confine myſelf to ſimple argument. To have diſplayed any heat in my own cauſe, would only have been debaſing myſelf. In this I ſhall doubtleſs find favour in the eyes of thoſe who imagine it eſſential to the truth that it ſhould be ſpoken with coldneſs and indifference; an opinion, however, for which I cannot ſee a ſufficient reaſon. When we are animated by a lively perſuaſion of the truth of a thing, how is it poſſible to expreſs it in the frigid language of inſenſibility? When Archimedes ran naked through the ſtreets of Syracuſe, tranſported with his famous diſcovery, was that diſcovery leſs true becauſe he was ſo enraptured with it? Quite the contrary.

He who is favoured with the ſight of truth cannot fail to admire her beauties; and it is certain, that thoſe who remain indifferent about her have never beheld her charms.

Be this, however, as it may, I deſire my readers to ſet aſide all conſiderations of ſtyle, and to examine only the validity of my arguments. For, after all, I do not ſee the juſtice of concluding, that, becauſe a writer expreſſes his ſentiments in good language, he does not know what he ſays.

LET-

LETTERS

WRITTEN FROM

THE MOUNTAINS.

LETTER THE FIRST.

The ſtate of the queſtion as it relates to the author. Whether it comes under the juriſdiction of the civil tribunals. The unjuſt manner of reſolving it.

NO, Sir, I cannot blame you for not joining with thoſe Remonſtrators who publicly eſpouſed my cauſe. I was, indeed, ſo far from approving their proceedings, that I prevailed on my own relations to deſiſt. My advocates were ſilent when they ſhould have ſpoken, and have ſpoken when they ſhould have remained ſilent. I foreſaw the inutility of their remonſtrances, as well as the conſequences of them: I apprehended their inevitable effects muſt either diſturb the public tranquillity, or alter the conſtitution of the ſtate. The event hath too fully juſtified theſe apprehenſions; and you ſee yourſelves reduced to the alternative I feared. The preſent criſis of your affairs requires you to enter into deliberations of which I am no longer the object.

From what has been already done, you ask me what you ought to do: you consider that the effect of these proceedings, being relative to the whole body of citizens, will no less affect those who were in no wise personally concerned in them, than such as were. Hence, whatever might be their different opinion about them at first, their common interest ought now to unite them. Your rights and privileges being attacked, must remain no longer in doubt; they must either be acknowledged or annulled; their very evidence putting them in danger. It is by no means proper to face the lightning during the storm, but at present the fire is absolutely set to the house.

Although my particular interests are no longer concerned, my honour necessarily makes me a party in this affair. This you know, and yet ask my advice as a neutral person; you conceive that I shall not be blinded by prejudice, nor be unjust through partiality. I hope so too; but in such delicate circumstances, how difficult is it to answer for one's self! I perceive it is impossible to forget myself in treating of a quarrel, of which I myself am the subject, and my particular misfortunes were the original cause. What then shall I do, Sir, to answer your confidence, and to justify your esteem for me, as far as it is possible? It is this. In a just diffidence of myself, I shall rather lay down my reasons than give you my advice. Do you weigh them, compare, and judge for yourself. Do even more: Be always distrustful, not of my intentions; these, God knows, are pure; but of my judgment. The most upright man in the world, when he is personally injured, seldom

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ſees things in their true light. You may be aſſured I would not deceive you, but I may poſſibly deceive myſelf: this I am liable to in every thing, and in this caſe more likely than in any other. Be therefore on your guard; and unleſs I give you ten reaſons, admit but of one.

Such, Sir, is the precaution you ought to take on your ſide; and the following is what I will take on my own. I ſhall begin by ſpeaking to you of myſelf, of my grievances, and of the ſevere proceedings of your magiſtrates againſt me. When I have once done this, my heart will be more at eaſe; I ſhall have unburdened it of a weight, which I ſhall then forget, with every thing relative to myſelf. I will then ſpeak to you of your own ſituation; that is to ſay, that of the republic. And I think I ſhall not be too preſumptuous, in hoping, by means of this arrangement, to diſcuſs equitably the queſtion you propoſe to me.

I have been inſulted in a manner by ſo much the more cruel, as I flattered myſelf to have ſome merit with reſpect to my country. If my conduct ſtood in need of any favour, I had reaſon to hope it would have been granted me. And yet my books have been precipitately condemned; without examination, without citation, and with an officiouſneſs of zeal beyond example. Nay, more; a decree hath been iſſued againſt my perſon, with the like zeal and precipitation, without regard to my misfortunes, my ſituation, my health; without ſhewing me the ſame regard as is had even for common felons. Nor have my perſecutors been more juſt than indulgent, as I ſhall endeavour to ſhew you. Pray, be not frightened at the length to which

I ſhall be obliged to extend theſe letters. Such a multiplicity of ſubjects preſent themſelves, that I would willingly be as ſparing of words as poſſible: but, do what we can, Sir, it is impoſſible to reaſon without them.

Let us begin by collecting the motives which have been given for this proceeding; not thoſe contained in the requeſt, or in the Arret, carried on in ſecret, and reſting concealed in darkneſs *; but thoſe contained in the anſwers of the council to the remonſtrances of the citizens and inhabitants, or rather in the Letters written from the country; a work which ſerves as the manifeſto of my perſecutors, and in which alone they condeſcend to offer any reaſon for their proceedings.

"My books, ſay they, are impious and ſcandalous, full of blaſphemies and calumnies againſt religion. Under the appearance of doubts, the author hath collected together every thing that may tend to ſap, ſubvert, and deſtroy the revealed principles of the Chriſtian religion.

"They directly attack all civil government.

"They are by ſo much the more dangerous and reprehenſible, in that they are written in French, in the moſt ſeductive ſtyle, and appear under the name and quality of a citizen of Geneva; and in that, according to the intention of

* My relations deſired, by a formal petition, a copy of the ſaid Arret. The anſwer to their requeſt was as follows:

June 25, 1762. *Council in ordinary, regarding the matter of the preſent Petition; Ordered, that there is no occaſion to favour the petitioners in the matter of their requeſt.* LULLIN.

The Arret of the Parliament of Paris was printed as ſoon as paſſed. Can we conceive that to be a free ſtate, in which ſuch decrees againſt the reputation and freedom of its citizens are thus concealed?

of the author, his Emilius is to ſerve as a guide to parents and preceptors in the education of youth.

" In condemning theſe books, it was impoſſible for the council not to take ſome notice of the perſon who was preſumed to be the author."

With regard to the decree iſſued againſt me, " It is not, ſay they, either a judgment or a ſentence; but only a ſimple proviſional appointment, which leaves entirely to themſelves my exceptions and defence, and which in the caſe foreſeen ſerves as preparatory to the proceedings preſcribed by the edicts and by the eccleſiaſtical ordinances."

To this the remonſtrators, without entering into an examination of the pretence, objected, " That the council had proceeded to judgment without having obſerved the requiſite preliminary formalities: that the article LXXXVIII of the Eccleſiaſtical Ordinances was violated by ſuch judgment: that the proceedings carried on in 1562, againſt John Morelli, clearly proved the legal cuſtom, and afforded a precedent which they ought not to have neglected: that this new method of proceeding was even contrary to that rule of natural law which is adopted by all nations, and according to which no perſon can be condemned without being heard in his own defence: that it is impoſſible to cenſure a book without cenſuring the author whoſe name it bears: that no one can tell what exceptions and defence an author may have to make, who is declared impious, blaſphemous, and ſcandalous in his writings, and after ſentence paſſed and executed on the ſame writings; for as paper and print are not ſuſceptible of infamy,

fame, that which refults from the burning of a book by the hands of the common hangman muſt neceſſarily rebound on its author. From all which it follows, that a citizen cannot lawfully be diveſted of what is moſt dear and valuable to him, his honour: that he cannot be lawfully deprived of his reputation or his fortune, without being firſt heard in defence of himſelf: that the works thus condemned and ſtigmatized, merit at leaſt as much countenance and toleration as many other writings, containing ſevere ſatires on religion, and which have nevertheleſs been diſperſed and even printed in the ſame city: that, finally, with reſpect to civil government, it hath always been permitted in Geneva to reaſon freely on matters of government in general: that no book of the kind hath ever been prohibited, nor any author puniſhed for having treated this ſubject, whatever may have been his ſentiments concerning it; and that, ſo far from attacking the government of the Genevan republic in particular, I have never let ſlip an opportunity of beſtowing commendations on it."

To theſe objections it was anſwered, on the part of the council, "That the condemnation of a book, after its being read and ſufficiently examined, is not a breach of that rule which requires no man to be condemned unheard: that article LXXXVIII of the Ordinances is applicable only to men who broach particular tenets, and not to a book deſtructive of the Chriſtian religion in general: that it is not true that the cenſure of a book neceſſarily includes that of the author, who may perhaps have only been incapable or imprudent: that with regard to the toleration

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or printing of ſcandalous writings in Geneva, it is not reaſonable to pretend, that, becauſe a government may have ſometimes neglected theſe things, it ſhould always do ſo: that beſides, thoſe books which only turn religion into ridicule, are not near ſo dangerous as thoſe which openly attack it by argument: that, in fine, what the council owes to the ſupport of the Chriſtian religion in its genuine purity, to the public good, to the laws, and to the honour of government, having induced it to paſs the ſentence in queſtion, the ſame motives do not permit them either to change or mitigate it."

Theſe are not all the reaſons, objections, and anſwers, which have been alleged on both ſides; but they are the principal, and ſuffice to eſtabliſh, with regard to myſelf, both the matter of fact and of right.

As the object, however, thus repreſented, may appear as yet a little vague and uncertain, I will endeavour to lay it down with greater preciſion, leſt you ſhould place my defence to that part of it on which I would by no means rely.

I am a man, and have written books; I have, of courſe, therefore, fallen into many errors *. I am myſelf able to perceive a conſiderable number; I doubt not alſo that others ſee many more, and

* I will except, if you will, books of Geometry and their authors. And yet, though there may be no errors in the propoſitions themſelves, who will aſſure us there is none in the order of deduction, in the choice of materials, or the method? Euclid demonſtrates, and attains his end; but what a way does he take? How does he not wander in his route? In vain may the Science be infallible; while it is cultivated by fallible man, it will be ſubject to error.

and that there are ſtill many beſides which are neither ſeen by myſelf nor by others. If nothing more had been ſaid againſt me than this, I ſhould readily ſubſcribe to it. But where is the author who is not, or can flatter himſelf he is not, in the ſame circumſtances? On this head there is no room for diſpute. If I am anſwered, and my anſwerer be in the right, I kiſs the rod of correction, and am ſilent. If I am anſwered, and the anſwerer be in the wrong, I am ſtill ſilent. Am I to account for the miſtakes of others? In every ſtate of the caſe, the public, after having heard both parties, is the judge: let that pronounce ſentence; according to which the book will live or die, and the proceſs is at an end.

The errors of writers are often very indifferent; but there are alſo ſome that are hurtful, even contrary to the intention of the perſon who commits them. A man may ſometimes be miſtaken, to the prejudice of the public as well as himſelf; one may ſometimes do injury to others very innocently. Our controverſies on ſubjects of juriſprudence, morality, and religion, fall frequently under this predicament. One of the diſputants muſt neceſſarily be in an error; and an error in a matter of great importance becomes always a fault, though it be not puniſhable when it is preſumed to be involuntary. A man is not blameable for doing another an injury by endeavouring to ſerve him: and if an author is to ſuffer a criminal proſecution for faults of ignorance or inadvertency, or for the pernicious maxims which may be drawn from his writings contrary to his intentions, what writer would be ſecure from ſuch proſecutions? A man ought

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to be inſpired by the Holy Ghoſt before he commences author, and his readers ought to be inſpired alſo to enable them to judge of his writings.

If ſuch faults only as theſe were imputed to me, I ſhould defend myſelf no otherwiſe than as againſt the imputation of ſimple errors. I cannot deny that I have committed ſuch errors, becauſe I am no angel: but then the faults ſaid to be found in my writings, may in reality not be in them; becauſe thoſe who pretend to diſcover them are no more angels than myſelf. Being mere men, and, like me, ſubject to error; on what authority do they pretend their judgment is to govern mine, and that I ought to be puniſhed becauſe I do not think juſt as they do.

The public is the only judge of faults of this kind; and its cenſure is their only lawful puniſhment. From the juriſdiction of this court none ought, and with regard to myſelf I ſhall not preſume, to appeal. It is true, if the magiſtrate ſhould conceive ſuch errors hurtful to ſociety, he may prohibit the diſperſion of the book containing them: but I again repeat it, he ought not to puniſh the writer who may have been guilty of them; as this would be to puniſh him for a fault that may poſſibly be involuntary, and the deſign only of an evil action is what merits puniſhment. So that this hath nothing to do in the preſent caſe.

There is a wide difference, however, between a book which contains hurtful errors and a book abſolutely pernicious. A ſyſtem of eſtabliſhed principles, a continued chain of argument, and conſequences formally deduced, plainly manifeſt the deſign of the author; and this intention, being

being dependent on the will, comes under the juriſdiction of the laws. If this intention is evidently bad, it is no longer an error or involuntary fault; it is a wilful crime; and the nature of the caſe is totally changed. The queſtion is no longer about a mere literary diſpute, which the public will of courſe decide properly; but of a criminal proceeding, which ought to come before the civil tribunals, and be treated according to the rigour of the law. Such is the critical ſituation in which I am placed by the magiſtrates, who ſay they have acted juſtly, and by zealous writers, who pretend they have acted with too much clemency. No ſooner do they threaten me with impriſonment and puniſhments, than every perſon who accuſes me becomes an informer; he knows that he attacks not only the author but the man, and that what he is writing may poſſibly have an influence on my fate *: it is no longer my literary reputation merely that he attacks; but my perſonal honour, my liberty, my life.

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* On the firſt appearance of a celebrated performance, ſome years ago, I reſolved to attack the principles contained in it, becauſe I thought them dangerous to the community. I had juſt finiſhed my remarks, when I learned that the author was under legal proſecution; on which I threw my performance into the fire, concluding that no moral obligation could juſtify the meanneſs of joining the cry of the multitude to oppreſs a man of probity. When the ſtorm was blown over, however, I took an opportunity of publiſhing my ſentiments on the ſame ſubject, in other writings: but I have done this without mentioning either the author or his book. This reſpect I thought due to the author's misfortunes, as much as to the eſteem I ever had for his perſon. Not that I conceive this way of thinking peculiar to myſelf: it is doubtleſs common to all perſons of honour and worth. When an affair is treated as criminal, they ought to be ſilent; at leaſt unleſs they are called upon as legal witneſſes.

This brings us back, at once, to the ſtate of the preſent queſtion, which I think the public have miſunderſtood. If I have written any thing juſtly reprehenſible, let me be cenſured; let my book be ſuppreſſed. But I ſhould have done more, to give them a right to ſtigmatize my work and to proceed againſt my perſon; an involuntary fault is not ſufficient; I ſhould have been found guilty of a wilful crime: it ſhould have been proved that I had written a pernicious book, with a bad deſign; and this not in the manner in which one author proves that another is miſtaken, but as an accuſer ought to convict the accuſed in the preſence of a legal tribunal. Before I had been treated as a malefactor, I ought to have been convicted of being ſuch. This is the firſt point that ſhould have come under examination. The ſecond point, ſuppoſing the fact proved, ſhould have been to aſcertain the nature of it, the place where it was committed, the tribunal which ought to judge of it, the law that condemns it, and the puniſhment inflicted. Theſe two queſtions once reſolved, would decide whether I have been treated juſtly or not.

To know whether I have written pernicious books, it is neceſſary to examine the principles contained in them, and to inquire what would be the conſequence if ſuch principles were admitted. As I have treated a variety of matters, I ſhall confine myſelf to thoſe on account of which I am proſecuted; to wit, Religion and Government. To begin with the firſt, after the example of my judges, who have not as yet explained themſelves with regard to the ſecond:

In Emilius, I have inſerted the profeſſion of

faith of a Roman Catholic Prieſt; and in Eloiſa, that of a female devotee. Theſe two pieces are ſo conſiſtent, that the one may be explained by the other; from which conſiſtency it may with great probability be preſumed, that if the author of the books containing them doth not abſolutely adopt every particular of both, he is at leaſt ſtrongly inclined that way. Of theſe two profeſſions of faith, the firſt being the moſt extenſive, and that only which hath afforded the grounds of my proſecution, comes naturally firſt under conſideration.

To anſwer the purpoſe of ſuch an inquiry, another explanation is neceſſary. For it is to be remarked, that to explain and diſtinguiſh the propoſitions which perplex and confound my accuſers, is in fact to anſwer them. As they diſpute againſt the force of evidence, when the queſtion is properly ſtated they are of courſe refuted.

I diſtinguiſh two parts in religion beſides the form of worſhip, which is merely ceremonial. Theſe two parts are faith and morals. I again divide the matter of faith into two parts; *viz.* that which, laying down the principles of our duty, ſerves as the foundation of practical morality; and that which, being purely the object of belief, contains only ſuch tenets as are mereſy ſpeculative.

From this diviſion, which ſeems to me an accurate one, reſults that of religious ſentiments; on the one hand, true, falſe, or doubtful; and on the other, good, bad, or indifferent.

It belongs to reaſon alone to paſs judgment on the former; and if the divines have claimed this office, it is in quality of reaſoners, of profeſſors

ſeſſors of a ſcience by which we arrive at the knowledge of what is true or falſe in matters of faith. If an error in this part of religion be hurtful, it is only ſo to the perſon who lies under ſuch error, and is prejudicial only with reſpect to the world to come, and lies not within the juriſdiction of any human tribunal. If they at any time take cogniſance of ſuch matters, it is not as judges of what is true or falſe, but as miniſters of the civil law, appointed to regulate the external forms of religious worſhip. But of this hereafter. As to that part of religion which relates to morality, that is to ſay, to juſtice, the public good, obedience to natural and poſitive laws, the ſocial virtues, and all the duties of the man and the citizen; this comes within the cogniſance of government. It is, indeed, with reſpect to this particular alone that religion enters directly into its juriſdiction; and from this, civil government ought to baniſh, not error, for of that it is no judge, but every pernicious ſentiment that tends to the breach of the ſocial tie.

Theſe, Sir, are the diſtinctions you are to make, in order to judge of the performance in queſtion; a performance canvaſſed by a tribunal not of prieſts but of magiſtrates. I confeſs it is not altogether affirmative; but contains both objections and doubts. We will even admit, what is not true, that theſe doubts are negative. It is, nevertheleſs, for the moſt part, affirmative; it is, in particular, affirmative and demonſtrative regarding all the fundamental points of political religion: it is alſo ſo very deciſive with reſpect to every thing relative to divine providence, brotherly love, juſtice, peace,

the happineſs of mankind, the laws of ſociety, and to all the virtues, that even all the objections and doubts which are ſtarted ſtill tend to their advantage; and I defy any one to ſhew, that I have attacked a ſingle point of doctrine which I do not prove to be pernicious to mankind either in itſelf or in its unavoidable effects.

Religion is uſeful, and even neceſſary to the well-being of mankind. Is not this propoſition affirmed, maintained, and proved, throughout the whole piece? So far is the author from controverting the true principles of religion, that he illuſtrates and confirms them to the utmoſt of his power. What he oppoſes, and what he ought to oppoſe, is the blindneſs of fanaticiſm, the cruelty of ſuperſtition, and the abſurdity of prejudice. It is ſaid, indeed, that we ought to reſpect all theſe things. But I aſk, Why? Becauſe, truly, it is by theſe things mankind are influenced. Yes, it is by theſe they are influenced to their ruin. Superſtition is the moſt dreadful ſcourge of human kind. It brutalizes the ignorant, perſecutes the learned, and enſlaves the populace; it is productive, in fine, of innumerable evils. And what good reſults from it? None. If it be of any uſe, it is to tyrants; in whoſe hands it is a favourite ſword of deſtruction; and this is, in fact, its greateſt abuſe.

It is ſaid, that in attacking ſuperſtition I endeavour to deſtroy religion itſelf. But how do they know this? Why do they thus confound two cauſes, which I take ſo much pains to diſtinguiſh? How comes it they do not ſee that this imputation is reflected on themſelves, with all its force; the greateſt enemies to religion being

being in fact the defenders of ſuperſtition? It would be very cruel, if it were ſo eaſy to render the intention of a writer criminal, and ſo difficult to exculpate him. The very circumſtance, indeed, of its not being proved bad, ought to be a preſumption in favour of its being good. Otherwiſe, who would be ſecure from the arbitrary condemnation of his enemies? What! ſhall their ſimple aſſertions be taken for proofs of what it is impoſſible for them to know? and ſhall my aſſeverations, joined to the teſtimony of my whole conduct, not be thought ſufficient to authenticate my own ſentiments? By what other means is it poſſible for me to make them known? I confeſs it is impoſſible for me to diſplay all the good intentions I feel in my heart; but where is the abominable wretch that pretends to ſee in it evil deſigns which never harboured there?

The more criminal it be to propagate irreligion, ſays M. d'Alembert very juſtly, the more criminal it is to accuſe any one unjuſtly of doing it. Thoſe who judge thus openly of my Chriſtianity, betray only the nature of their own; and the only thing they have proved, is, that certainly they and I are not of the ſame religion. This is the very circumſtance that irritates them; the pretended evil I have ſaid, provoking them leſs than the good. The merit, which they are forced to acknowledge in my writings, vexes and reſtrains them; reduced to the neceſſity of converting it into ill, they perceive they diſcover too much. How pleaſed would they be if they had found much leſs!

When I am condemned, not on what I have ſaid, but on what it is affirmed I intended to

ſay; when the demerit is ſought in my intentions, which is not to be found in my writings; what can I do? They controvert what I have ſaid, by what they pretend I think; when I ſaid *white*, they affirm I intended to ſay *black*: thus they put themſelves in the place of God, to do the work of the devil. How is it poſſible for me to ſecure my head from blows that are aimed at me from ſuch an eminence.

To prove that the author had no ſuch horrible intention as is imputed to him, I ſee but one way; this is, to judge by the work itſelf. I wiſh, indeed, they would judge in this manner; for my part, I ſhould freely conſent to it: but an examination of this nature would ill become me. No, Sir, no misfortune, no puniſhment, ſhall reduce me to ſo abject an undertaking. I ſhould think I committed an inſult on the author, the editor, and even the reader, by entering on a juſtification, which is the more diſgraceful as it is the more eaſy. It would be to degrade virtue, to attempt to ſhew it is not criminal. No, read and judge for yourſelf; the greater your own misfortune, if, during the peruſal, your heart is not excited to pour out bleſſings on the virtuous and reſolute man who is bold enough in ſuch a manner to inſtruct mankind!

How is it poſſible, indeed, for me to reſolve to enter on a juſtification of that work; for me who imagined, by means of it, to efface the remembrance of all the faults I ever committed; for me, who place the evils it hath brought on me in compenſation for all thoſe of which I have ever been guilty; for me, who am full of confidence to ſay one day to the ſupreme Judge of

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all things, "Deign, O Lord, in thy mercy, to judge a feeble man; who hath done evil on the face of the earth, but who hath publiſhed this writing."

Dear Sir, permit my ſwelling heart now and then to utter a ſigh: but be aſſured I ſhall not intermix my arguments with declamations or complaints; I ſhall not even make uſe of the aſperity of my adverſaries, but reaſon always with calmneſs and ſerenity. To return, therefore, to my ſubject:

Let us endeavour to take a middle way, which may be ſatisfactory to you, without debaſing myſelf. Let us ſuppoſe, for a moment, that the religious Creed of the Savoyard Vicar was adopted in ſome corner of Chriſtendom, and let us ſee whether the reſult of it would be good or ill. This is neither to attack nor defend it; but to judge of it from its effects.

At the very firſt view, I ſee many new things that have no appearance of novelty; no change in the form of religious worſhip, but a great change in the heart of the worſhippers; converſions without boaſting, belief without diſpute, zeal without fanaticiſm, reaſon without impiety, few articles of faith and many virtues, philoſophical toleration, and Chriſtian charity.

Our proſelytes will have two rules of faith to conſtitute but one, reaſon and the goſpel. The latter will be ſo much the more ſtable, as it will be founded only on the firſt; and by no means on certain facts, which, ſtanding in need of human atteſtation, reduce religion under the authority of men.

All the difference there would be between them and other Chriſtians, is, that the latter

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are ſuch as diſpute a good deal about the goſpel, without troubling themſelves to put its precepts in practice; whereas our people would attach themſelves entirely to the practice of it, without diſputing about its tenets.

When the Chriſtian diſputants ſhould ſay to them, "You call yourſelves Chriſtians without being ſuch; for to be Chriſtians it is neceſſary to believe in Jeſus Chriſt, and you do not believe in him;" our peaceable Chriſtians would anſwer them thus, "We know not whether we believe in Jeſus Chriſt according to your notions of things, becauſe we do not underſtand them; but we endeavour to obſerve the rules he hath preſcribed to us. We are both Chriſtians in our way; we in obeying his word, and you in believing in him. Chriſtian charity requires that we ſhould be all brothers, and we obey its dictates in admitting you as ſuch; deprive us not, therefore, of a title which we revere with all our power, and which is as dear to us as to you."

The diſputants will, no doubt, perſiſt, "In pretending to be the followers of Jeſus, you muſt ſay by what title. You obey his word; but what authority do you impute to it? Do you acknowledge a revelation, or do you deny it? Do you admit the truth of the Goſpel entirely, or do you admit only of a part? and on what do you found your diſtinctions? Mighty pretty Chriſtians, indeed, who traffick with their great Maſter, and chuſe or refuſe ſuch parts of his doctrine as happen to pleaſe or diſpleaſe them!"

To this the others would thus peaceably reply, "Brethren, we traffick not with the Goſpel, for we make not a trade of our faith. You

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ſuppoſe that it depends on us to admit or reject at pleaſure: but this is not true; our reaſon is not thus obedient to our will. In vain ſhould we will, that what appears to us falſe ſhould appear true; it would ſtill appear falſe, in ſpite of our ſtrongeſt inclinations. All that depends on us is, to ſpeak according to our ſentiments, or contrary to our ſentiments; and our only crime is, we will not deceive you.

"We acknowledge the authority of Jeſus Chriſt, becauſe our underſtanding acquieſces in the truth of his precepts, and diſcovers to us their ſublimity. It tells us, that it is proper for man to follow thoſe precepts, but that the diſcovery of them was above his comprehenſion. We admit of a Revelation as derived from the ſpirit of God, without knowing the manner how, or perplexing ourſelves to diſcover it. Provided we know that God hath ſpoken to us, it is of little importance to explain the means he hath taken to make himſelf underſtood. Thus in acknowledging the divine authority of the Goſpel, we believe Jeſus Chriſt inveſted with the like authority. We acknowledge a virtue more than human in his conduct, and a ſagacity more than human in his doctrines. All this appears to us very plain. If you aſk in what manner it is effected; this is not ſo very plain, but ſurpaſſes our apprehenſions. If it does not ſurpaſs yours, ſo much the better for you; we felicitate you on the occaſion with all our hearts. Your underſtandings are ſuperior to ours; but it does not thence follow, that we are to be governed by them. We conſent that you ſhould know every thing; permit us only to be ignorant of ſomething. You aſk, if we admit the

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whole of the Goſpel? We admit of all the tokens which Jeſus Chriſt hath given; the utility, the neceſſity of the greater part of theſe tokens, affect us, and we endeavour to conform to them. Some of them are above our comprehenſion: they were given, no doubt, for the inſtruction of minds more intelligent than ours. We do not conceive that we have attained the utmoſt limits of human reaſon; and men of greater penetration may ſtand in need of precepts more elevated.

"There are many things to be found in the Goſpel, that ſurpaſs and even ſhock our reaſon; we do not, however, reject them. Convinced of the weakneſs of our underſtanding, we know how to reſpect what we cannot comprehend, when from that which is intelligible we ſee reaſon to think the reſt above our underſtanding. All that appears neceſſary for us to know, in order to live holy, is ſufficiently clear in the Goſpel; and what need have we to know more? On this point we may remain ignorant; but we ſhall be free from error, and ſhall not be the leſs virtuous. This humble reſerve is itſelf in the ſpirit of the Goſpel.

"We do not reſpect the ſacred writings as a book, but as the word and life of Jeſus Chriſt. The character of truth, of wiſdom and ſanctity which prevail therein, ſufficiently ſhews, that the hiſtory has not been materially altered *; but it has not been demonſtrated to us, that it hath ſuf-

* What would become of the ſimply faithful, if this were to be known only by means of critical diſcuſſions, or on the authority of paſtors? With what face can it be pretended, that our faith is dependent on ſo much ſcience or ſo much ſubmiſſion?

ſuffered no alteration at all. Who knows but the paſſages, we do not comprehend, may not be errors crept into the text? Who knows if the Diſciples, who were ſo greatly inferior to their Maſter, always rightly underſtood him, or have accurately expreſſed themſelves? We do not preſume to determine any thing on this head; and only propoſe our conjectures, becauſe you exact them of us.

"We may be miſtaken in our notions, but you may alſo be miſtaken in yours. Why may you not, being yourſelves but men? You may be as ſincere as we, but you cannot be more ſo: you may be more enlightened; but, after all, you are not infallible. Who then ſhall be judge between us? Shall it be yourſelves? That would not be equitable. Much leſs ſhould it be we, who have ſo great a diffidence of ourſelves. Let us leave this deciſion, therefore, to that great Judge who hears us both; and as we are agreed about the rules of our conduct towards each other, bear with us concerning the reſt, as we bear with you. Let us live in peace, as brethren; let us join in affection for our common Maſter, and in the practice of thoſe virtues he hath recommended. This conſtitutes the true Chriſtian.

"But if you ſtill perſiſt in refuſing us this precious appellation, after having done our utmoſt to live amicably with you, we conſole ourſelves under this injuſtice, by reflecting that words do not conſtitute things; that the firſt diſciples of Jeſus did not bear the name of Chriſtians; that St Stephen, though a martyr, never bore it; and that when St Paul was converted

to the faith of Chriſt, there were no Chriſtians * on the face of the earth."

Can you imagine, Sir, that a controverſy thus handled, will be very warm or very long? Will not one of the parties be preſently reduced to ſilence, when the other will not diſpute with them?

If our ſuppoſed proſelytes ſhould be maſters of the country they might inhabit, they would eſtabliſh a form of worſhip as ſimple as their creed; and the religion which would reſult from all this, would be extremely uſeful to mankind, even from its very ſimplicity. Diſengaged from every thing that might be ſubſtituted in the place of moral virtues, and having neither ſuperſtitious ceremonies nor doctrinal ſubtilties, it would aim directly at its true end, the practice of our duty. The words Puritan and Orthodoxy would be no longer in uſe. Piety would no longer conſiſt in the repetition of certain articulate ſounds. The wicked only would be accounted impious, and the virtuous only the truly faithful.

This inſtitution being once fixed, every one would be obliged by the laws to ſubmit to it, becauſe it would not be founded on the authority of men; it would contain nothing but what was agreeable to the natural order of things, nor one ſingle article which would not relate to the welfare of ſociety; nor would it be intermixed with any tenet uſeleſs to morality, or any point of mere ſpeculation.

But would our proſelytes, therefore, be intolerant? Not at all. On the contrary, they would be tolerant from principle: they would be

* This name was firſt given them at Antioch, ſome years after.

be more ſo than they could poſſibly be by adopting any other doctrines; as they would admit among them all thoſe ſalutary religions as now do not admit each other; that is to ſay, all thoſe who have ſomething eſſential which they neglect, in order to make that eſſential which is not ſo. In the mean while, being themſelves attached only to what is eſſential, they would leave the others to add the non-eſſentials at pleaſure, provided they did not wholly neglect it. They would leave the others to explain what they themſelves would not attempt to explain; and to determine what they would not preſume to determine. They would leave to other religions, their ſeveral rites, creeds, and modes of belief: requiring only that they would admit with them the principles of moral obligation neceſſary to form the man and the citizen; and leaving them at full liberty, with regard to any thing elſe, to believe what they might think proper. As to ſuch religions as might be eſſentially bad, tending to induce men to do ill, they would not tolerate them at all; becauſe this would be in itſelf contrary to the ſpirit of true toleration, whoſe end is the peace and tranquillity of mankind. The real friends of religious toleration are no advocates for the toleration of crimes; they are not for tolerating the propagation of doctrines which tend to make men wicked.

If we ſuppoſe on the contrary, that our proſelytes are under the dominion of others; they will, as children of peace, be obedient to the laws of their maſters, even in matters of religion, at leaſt if their religion be not eſſentially evil; for in that caſe they will refuſe to profeſs

it, though without inſulting thoſe who may. They will ſay, As Providence hath thought proper to place us in a ſtate of ſervitude, we are deſirous of being good ſervants; but your ſentiments would prevent our being ſo: we know we reſpect our duty, and reject every thing that would induce us to ſwerve from it; it is in order that we may be faithful to thoſe we ſerve, that we adopt not the laws of iniquity.

But if the religion of their country be eſſentially good in itſelf, and the evil annexed to it conſiſt only in particular interpretations, or in tenets purely ſpeculative, they will adopt what is eſſential, and bear with the reſt, as well out of regard to the laws as for the ſake of peace. Should they be called upon expreſsly to declare their belief, they will do it ingenuouſly, becauſe it is not lawful to deceive: in caſe of neceſſity, they will avow their ſentiments boldly; and, if they are controverted, defend them by argument. Otherwiſe they will never enter into diſputes with their brethren; but, without perſiſting in their endeavours to convert them, will remain united to them in the bonds of charity; they will attend their religious aſſemblies, adopt their forms of worſhip; and, without thinking themſelves a jot more infallible, will ſubmit their opinions to the determination of the majority, reſpecting every thing that does not immediately intereſt their conſciences, or ſeem eſſentially neceſſary to ſalvation.

Such, you will ſay, is the favourable ſide of the picture; ſuch will be the advantages: let us now ſee what will be the diſadvantages; theſe will ſoon be enumerated. The wicked deſigns of men will no longer receive the ſanction of the

the word of God. Religion will no longer ſerve as an inſtrument to eccleſiaſtical tyranny, or the cruelty of uſurpers. It will conduce only to render the faithful good and juſt. Their leaders will not find their account in it; to whom it will be worſe than if it were totally uſeleſs.

Thus it appears the doctrines in queſtion are good for mankind, and bad for their oppreſſors. In what claſs then ought they to be ranked? I have made a faithful repreſentation both for and againſt them. Compare them, and judge for yourſelf.

All things duly conſidered, I imagine you will ſubſcribe to two things. The one is, that the conduct of the good people whoſe exiſtence I have ſuppoſed, would, in all theſe particulars, be perfectly conformable to the Vicar's profeſſion of faith: the other is, that this conduct would not only be morally irreproachable, but truly Chriſtian; and that it would be unjuſt to refuſe to give ſuch worthy and pious perſons the appellation of Chriſtians, ſince they ſo juſtly merit it by their behaviour, and are leſs oppoſite in their ſentiments to many of thoſe ſects who indiſputably aſſume it, than many of thoſe ſects are oppoſite to each other. They would not, indeed, be Chriſtians after the mode of St Paul, who was naturally a perſecutor, and never heard Jeſus Chriſt himſelf. But they would be Chriſtians after the manner of St James; who was perſonally choſen by his great Maſter, and received from his own mouth the inſtructions he hath tranſmitted to us. This argument is very ſimple, but it appears to me concluſive.

You will aſk me, perhaps, How I make this doctrine agree with that of a man who ſays the

goſpel is abſurd, and pernicious to ſociety? In avowing frankly that I think it would be very difficult to make theſe appear conſiſtent, I aſk, in my turn, Who it is that ſays the goſpel is abſurd and pernicious? You, gentlemen, accuſe me of having done this; and where? In the chapter treating of political religion, in my eſſay on the *Social Compact*. Really this is very ſingular; when, in the very ſame manner, I imagined I had affirmed directly contrary. I think I have ſaid, That the goſpel is the moſt ſublime, and at the ſame time the moſt powerful, tie of human ſociety *. I will not charge theſe gentlemen with advancing a wilful falſhood; but you muſt allow, that two propoſitions ſo contradictory in the ſame book, and even in the ſame chapter, muſt appear very extravagant on the whole.

But is there not here ſome new equivocation, by the help of which I am made to appear more culpable or more crazy than I am? The meaning of the word *Society* is a little vague: there are ſocieties of various kinds in the world; and it is not impoſſible but that which may be advantageous to one may be hurtful to the other. Let us ſee. The favourite method of my aggreſſors is artfully to preſent indeterminate ideas; all the anſwer I ſhall make them, ſhall be to endeavour to aſcertain them.

The chapter juſt mentioned is intended, as is evident from the title, to examine into the manner in which religious inſtitutions may enter into the conſtitution of the ſtate. So that the point under conſideration is not the truth or falſehood, or even the goodneſs or badneſs, of re-

* Contract Social, b. iv. c. 8.

religions in themſelves; but to conſider them only as they relate to the body politic, and are component parts of legiſlation.

With this view, the author ſhews, that all the ancient religions, not excepting that of the Jews, were national in their origin, appropriated to, and incorporated in, the ſtate; forming the baſis, or at leaſt making a part, of the legiſlative ſyſtem.

Chriſtianity, on the contrary, is in its principles an univerſal religion; having nothing excluſive, nothing local, nothing peculiar to one country any more than to another. Its divine Author, embracing all mankind in his boundleſs charity, came to remove thoſe barriers that ſeparated the nations from each other, and to unite all mankind in a people of brethren: *for in every nation he who feareth the Lord, and doeth juſtice, is acceptable* *. Such is the true ſpirit of the Goſpel.

Thoſe, therefore, who would make Chriſtianity to be a national religion, and introduce it as a conſtitutional part in the ſyſtem of legiſlation, have been guilty of two faults; the one pernicious to religion, and the other to the ſtate. They have departed from the ſpirit of Jeſus Chriſt, whoſe kingdom is not of this world; and, confounding our ſublunar intereſts with thoſe of religion, have ſullied its celeſtial purity; converting it into a ſcourge in the hands of tyrants, and an inſtrument of perſecution. They have done no leſs injury to the ſalutary maxims of policy; as, inſtead of ſimplifying the machine of government, they have rendered it more complicated: they have added to it foreign and ſu-

* Acts x. 35.

perfluous reſources; and, by ſubjecting it to two different and frequently contrary motions, have occaſioned thoſe convulſions which are felt in all the Chriſtian ſtates in which religion hath entered into the political ſyſtem.

Perfect Chriſtianity is an univerſal ſocial inſtitution; but to ſhew that it is not a political eſtabliſhment, and that it doth not concur to the ſupport of any good particular inſtitution, we muſt ſet aſide the ſophiſtry of thoſe who introduce religion into every thing as a hold by means of which they may engroſs every thing to themſelves. All human eſtabliſhments are founded on human paſſions, and are ſupported by them: whatever combats and deſtroys the paſſions, therefore, is by no means proper to ſtrengthen thoſe eſtabliſhments. How can that which detaches our hearts from the things of the world, induce us to intereſt ourſelves more ſtrongly in what is doing here? How can that which engages our thoughts only towards another country attach us more powerfully to this?

National religions are uſeful to a ſtate, as parts of the conſtitution; this is inconteſtible: but they are hurtful to mankind in general; and even, in another ſenſe, to the ſtate: I have ſhewn how and wherefore.

Chriſtianity, on the contrary, by making men juſt, moderate, and peaceable, is very advantageous to ſociety in general: but it weakens the force of the political ſpring; it renders the movements of the machine more complex, it breaks the unity of the body moral, and being inſufficiently appropriated to the purpoſes of government, muſt either degenerate or remain a detached and embarraſſing ſubject.

Such

Such are the prejudices and inconveniences on both ſides relative to the body politic. It is nevertheleſs of conſequence to a ſtate that it be not without ſome religion; and that for very ſufficient reaſons, on which I have ever ſtrongly inſiſted. But it is yet better to have no religion at all, than to have one that is cruel and perſecuting; and which, tyranniſing over the very laws themſelves, is contradictory to the moral obligations of the people. It might aptly enough be obſerved, that every thing which has paſſed in Geneva regarding myſelf, ſerves to confirm the argument of that chapter by example; and to prove, from my own hiſtory, that I have therein reaſoned juſtly.

How ſhould a wiſe legiſlator act in this alternative? He ſhould do one of theſe two things. He ſhould eſtabliſh a religion purely political; in which he ſhould include the fundamental tenets of every good religion; all thoſe which are uſeful to ſociety, whether univerſal or particular; omitting all ſuch as may be important in point of faith, but conduce nothing to the temporal intereſts of mankind, the only object of civil legiſlation. For, how can the myſtery of the Trinity, for example, conduce to the good conſtitution of the ſtate? How much better citizens would its members be for having rejected the merit of good works? And how would the bands of ſociety be ſtrengthened by the doctrine of original ſin? True Chriſtianity is doubtleſs an inſtitution of peace; but who is ignorant that ſpeculative and theological Chriſtianity, by the multiplicity and obſcurity of its tenets, keep a field of battle conſtantly open for the diſturbance and deſtruction of mankind.

The

The other expedient is to leave the genuine ſpirit of Chriſtianity to operate freely, diſencumbered by any connection with the works of the fleſh, ſubjected to no other obligations than that of conſcience, and to no other reſtraint in its tenets than thoſe of morality and the laws. The Chriſtian religion muſt, on account of the purity of its morals, be ever ſalutary to a ſtate, provided it be not made a part of the conſtitution, but is admitted merely as religion, ſentiment, opinion, or belief: for, conſidered as a politic law, ſpeculative Chriſtianity is an unſalutary eſtabliſhment. This, Sir, is the worſt conſequence that can be deduced from the chapter in diſpute; in which ſo far am I from taxing the pure and holy *Goſpel* * with being pernicious to ſociety, that I ſhew it to be in a manner too ſocial; including too great a part of mankind, to coincide with particular and excluſive ſyſtems of legiſlation. I have ſhewn that it inſpires humanity rather than patriotiſm, and tends rather to the forming of men than citizens †. If I am miſtaken, I have committed a blunder in politics; but where is the impiety?

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* See Letters written from the Country, p. 30.

† It is wonderful to ſee the aſſortment of fine ſentiments, which are daily collected together in books: but nothing more is required to do this, than a good ſtore of words; and it coſts but little pains to diſplay the greateſt virtues on paper. The caſe is otherwiſe with reſpect to their influence on the heart; and there is a wide difference between the deſcription of things and their reality. Patriotiſm and humanity, for example, are two virtues incompatible with each other in any great degree, and particularly in a whole people. The Legiſlator who would unite them both, will obtain neither one nor the other. Their union never was, nor ever will be, known, becauſe it is contrary to nature, and becauſe it impoſſible to give two objects to one paſſion.

The ſcience of ſalvation and that of government are very different. To inſiſt that the former neceſſarily includes all others, is the fanaticiſm of a narrow mind. Such a way of thinking is like that of the alchemiſts, who, in the art of making gold, conceive they alſo ſee that of the univerſal medicine; or like that of the Mahometans, who pretend that all arts and ſciences are to be found in the Alcoran. The doctrines of the Goſpel have but one object in view, which is the univerſal ſalvation of mankind. Their liberties and properties here below have nothing to do with it. This Jeſus hath ſaid a thouſand times. To join earthly views to this celeſtial object, would be to alter the ſublime ſimplicity of its nature, and to ſully its ſanctity with mere human concerns: this, indeed, might juſtly be called impiety.

Theſe diſtinctions have been eſtabliſhed in all ages; and it is only on my account they are now confounded. If I have taken away the Chriſtian religion from particular national inſtitutions, I have aſſerted it to be the beſt for mankind in general. The author of the *Spirit of Laws* hath done more. He hath ſaid, That the Mahometan religion was better calculated for the Aſiatic countries. He reaſoned as a politician, and ſo did I. And yet in what country have they quarrelled, I do not ſay with the author, but with his book *? Why therefore am I thought criminal, or why was not he adjudged to be equally ſo?

Thus,

† It may not be improper to remark here, that the work entitled *L'Eſprit des Loix*, was firſt printed at Geneva, without our critics finding any thing reprehenſible in it; nay, one of our Paſtors even corrected the preſs.

Thus, Sir, by means of faithful extracts, may an equitable critic come to know the real ſentiments of an author, and the deſign with which he hath compoſed his book. Let mine be examined in the ſame manner, and I ſhall not be afraid of the judgment which any honeſt man may paſs on it. But this is not the method taken by my opponents. With the view of making me criminal at all hazards, they depart from the real intent of the work; imputing every error and overſight that may have eſcaped the author, to deſign; and never failing, if by chance an equivocal paſſage is met with, to put an interpretation on it different from the meaning of the writer. From a large field covered with a plenteous harveſt, they induſtriouſly pick out a few exceptionable plants, in order to accuſe the planter of a deſign to poiſon.

My propoſitions could have no ill effect in their proper place. They were really uſeful and juſt in the light I exhibited them. It is the falſification of them, and the fraudulent interpretations put on them, which make them appear reprehenſible. They ought to be burnt, indeed, as they ſtand in their books, and applauded as they are inſerted in mine.

How often have authors thus defamed, and the public thus abuſed, exclaimed againſt this odious manner of mangling and diſfiguring performances; of taking ſcrapes here and there, at the pleaſure of a faithleſs and diſingenuous informer, who himſelf conſtitutes the evil, by detaching it from the good that corrects and explains it, and perverting every thing from its true ſenſe? They are welcome to judge of Bruyere and Rochefoucault by their detached maxims;

ims; but even then it would be but juſt to number and compare them. But in a book of argument, how many different ſenſes may not be given to the ſame propoſition, according to the manner in which the author employs it, or preſents it to the view of the reader? There is not, perhaps, one of thoſe imputed to me, which is not confuted either in the foregoing or ſucceeding page; or that I have not uſed in a ſenſe different from what my accuſers have repreſented. You will ſee, before I come to the end of theſe letters, ſome proofs of this, that will ſurpriſe you.

But admitting that my book contains propoſitions that are falſe and reprehenſible in themſelves; is this ſufficient to render it a pernicious book? A good book is not that which contains nothing bad, or which may not be ſo interpreted: if it were, we ſhould have no good books at all. But a good book is one that contains more good things than bad: a good book, in ſhort, is one whoſe general tendency is good, notwithſtanding the bad things it may contain. Good God! how prepoſterous would it be, if in a great work, full of uſeful truths, of leſſons of humanity, piety, and virtue, a malignant critic were permitted to go on, minutely ſearching out all its errors; picking up every equivocal, ſuſpicious, or inconſiderate propoſition; every falſe conſequence that might eſcape the attention of an author overcharged with matter, and ſo diſtracted by the numerous ideas crowding on his mind as to be ſcarce able to collect together the ſeveral parts of his vaſt deſign! If he were permitted, I ſay, to make a collection of all theſe faults; to aggravate them by one another, in bringing thoſe which were diſtant

diſtant near together, and in connecting thoſe which were detached; at the ſame time concealing the multitude of good and commendable paſſages ſerving to explain to illuſtrate them, and to ſhew the true meaning of the writer; and then to give out this frightful aſſemblage as a proof of his real ſentiments, and to condemn him on the teſtimouy of ſuch an extract; to what deſart can he fly, in what cavern can he conceal himſelf, to eſcape the purſuits of ſuch men, who puniſh the good under the appearance of evil; who account as nothing the intention of the heart, though its uprightneſs is every where apparent; but treat the ſlighteſt and moſt involuntary fault as an atrocious crime? Is there a ſingle book in the whole world, however true, however good, however excellent, that can eſcape ſo infamous an inquiſition? No, ſir, not one; not even the Goſpel itſelf: for the evil they did not find there, they would be able to repreſent as being there by their unfaithful extracts and falſe interpretations. "We refer to you," they might dare to ſay, "a ſcandalous, raſh, and impious book, which teaches us to give to the rich and to take from the poor (*a*); which inſtructs children to deny their mothers and their brethren (*b*); to take the property of others without ſcruple (*c*); to forbear inſtructing the wicked, leſt they ſhould repent and be forgiven (*d*); to hate father, mother, wife, children, and all one's relations (*e*); a book throughout

(*a*) Matth. xiii. 12. Luke xix. 26.
(*b*) Matth. xii. 48. Mark iii. 33.
(*c*) Mark xi. 2. Luke xix. 30.
(*d*) Mark iv. 12. John xii. 40.
(*e*) Luke xiv. 26.

out which the flames of diſcord are blown up (*f*); in which boaſt is made of arming the ſon againſt the father (*g*), relations againſt one another (*h*), and ſervants againſt their maſters (*i*); in which the violation of the laws is approved (*k*); in which perſecution is impoſed as a duty (*l*); in which, in order to induce people to commit violence and robbery, the kingdom of heaven is repreſented as being taken by force (*m*).

Figure to yourſelf a diabolical critic thus analyſing the whole Goſpel, and forming ſuch an abominable analyſis, under the title of *The Evangelical Profeſſion of Faith*, a piece that muſt ſtrike the reader with horror, while the devout Phariſees ſhould cry it up with an air of triumph as an epitome of the precepts of Jeſus Chriſt.

By this example, however, may be ſeen, how far this ſcandalous and injurious method of criticiſing books may be carried. Whoſoever hath read my books, and may read the imputations of thoſe who accuſe me, who judge, who condemn, who perſecute me, will ſee that it is thus they have treated me.

I imagine, Sir, I have ſufficiently ſhewn, that theſe gentlemen have not condemned me according to the dictates of reaſon. I ſhall now proceed to ſhew, that they have not condemned me according to law; but permit me a while to take breath. To what melancholy efforts am I reduced, at this time of life! Ought I to learn ſo late to make my apology?

(*f*) Matth. x. 34. Luke xii. 51, 52.
(*g*) Matth. x. 35. Luke xii 53.
(*h*) Ibid. (*i*) Matth. x. 36.
(*k*) Matth. xii. 2, & ſeq. (*l*) Luke xiv. 23.
(*m*) Matth. xi. 12.

LETTER II.

Of the religion of Geneva. The principles of the reformation. The author enters upon a diſcuſſion of the ſubject of miracles.

I HAVE ſuppoſed, Sir, in the preceding letter, that I have really been guilty of thoſe errors againſt the faith of which I ſtand accuſed; and have ſhewn, that as ſuch errors are not hurtful to ſociety, they are not puniſhable by human juſtice. God Almighty has reſerved to himſelf the defence of his own cauſe, and the puniſhment of offences committed merely againſt himſelf. It is ſacrilege in men to preſume to be avengers of the Deity; as if he ſtood in need of their protection. Magiſtrates and kings have no authority over our ſouls; and, provided we are obedient to the laws of ſociety in this world, have nothing to do with our ſituation in the next, to which their juriſdiction doth not extend. If once we loſe ſight of this principle, the laws deviſed for the happineſs of mankind would ſoon degenerate into a ſcourge; while individuals, under their horrible inquiſition, being judged rather by their faith than by their works, would lie at the mercy of every one who had a mind to oppreſs them.

If the laws have no authority over the ſentiments of mankind in things appertaining ſolely to religion, they have alſo no greater authority over ſuch parts of their writings as diſplay only ſuch ſentiments. If the authors of thoſe writings are puniſhable, it is not merely becauſe they have divulged errors; neither the law, nor

its

its miniſters, are the proper judges of what is or is not an error. The author of the Letters written from the Country appears to admit of this principle. Perhaps, indeed, he carries it too far, in admitting that in Politics and Philoſophy men may be ſuffered to write what they pleaſe *. But this is a point that does not here come under examination. Pleaſe to obſerve, however, what a turn your Gentlemen and he give the thing, in order to juſtify the ſentence paſſed on my works and myſelf. They judge of me leſs as a Chriſtian than as a citizen, and look upon me leſs as impious towards God than rebellious againſt the laws. They regard leſs the ſinfulneſs of my crime, than the hereſy of my diſobedience. According to them, I have attacked the religion of the ſtate, and have incurred the penalty of the laws. This, I think, is the meaning of all they have advanced intelligibly in juſtification of their proceedings.

On this point I ſee three difficulties. The firſt is, to know what is the religion of the ſtate; the ſecond, to ſhew that I have attacked it; and the third, to point out the particular law whoſe penalty I have incurred.

Firſt, What is the religion of the ſtate? It is that of the holy evangelical reformation? Doubtleſs theſe are high-ſounding words. But what is at preſent the holy evangelical reformation at Geneva? Has it by accident ever come to your knowledge? If it has, I felicitate you on the occaſion. For my own part, I am ignorant of it.

* In this reſpect, ſays he, p. 22. *I find my own maxims made uſe of in the Remonſtrances*: And again, p. 29. he looks upon it as *inconteſtable*, that nobody ſhould be perſecuted on account of his religious principles.

it. I imagined indeed formerly that I knew; but find myſelf miſtaken, as well as many others more knowing than myſelf in every other reſpect, and not leſs ignorant in this.

When the Reformers ſeparated themſelves from the Church of Rome, they accuſed it of error; and in order to correct this error at the fountain head, they interpreted the Scriptures in a different ſenſe from what the church had been accuſtomed to. When they were aſked on what authority they ventured thus to depart from received doctrines? they anſwered, On their own authority; on that of their reaſon. They ſaid the meaning of the Scriptures was plain and intelligible to all mankind, as far as they related to ſalvation: that every man was a competent judge of doctrines, and might interpret the Bible, which is the rule of faith, according to his own mind: that by this means all would agree as to eſſential points; and as to thoſe on which they could not agree, they muſt be uneſſential.

Here, then, was private judgment eſtabliſhed as the only interpreter of the Scriptures: thus was the authority of the church at once rejected, and the religious tenets of individuals left to their own particular juriſdiction. Such are the two fundamental points of the reformation; to acknowledge the Bible as the rule of belief, and to admit of no other interpreter of its meaning than one's ſelf. Theſe two points combined, form the principle on which the Proteſtants ſeparated from the church of Rome: nor could they do leſs, without being inconſiſtent with themſelves; for what authority of interpretation could they pretend to, after having rejected that of the church?

But

But it may be aſked, how, on ſuch principles the reformed could ever be united among themſelves? How, every one having his own particular way of thinking, they could form themſelves into a body, and make head againſt the Catholic Church? This it was neceſſary for them to do; and therefore they united with regard to this one point, They acknowledged every one to be a competent judge as far as related to himſelf. They tolerated, as in ſuch circumſtances they ought, every interpretation but one, *viz.* that which prohibited other interpretations. Now this interpretation, the only one they rejected, was that of the Catholics. It was requiſite for them unanimouſly to proſcribe the Romiſh church, which in its turn equally proſcribed them all. Even the diverſity of their manner of thinking from all others, was the common bond of union. They were ſo many little ſtates in league againſt a great power, each loſing nothing of its own independence by their general confederacy.

Thus was the evangelical reformation eſtabliſhed, and thus it ought to be maintained. It is true, that the opinion of the majority may be propoſed to the whole, as the moſt probable manner, or as the moſt authentic. The Sovereign may even reduce it into form, and recommend it to thoſe who are appointed to teach it; becauſe ſome rule and order ought to be obſerved in public inſtructions; and in fact no perſon's liberty is infringed by it, as none are compelled to be taught againſt their will. But it does not hence follow that individuals are obliged directly to adopt the interpretations thus propoſed to them, or that doctrine which is thus publicly

taught. Every one remains, after all, a judge for himſelf, and in that acknowledges no other authority than his own.

Good inſtructions ought leſs to fix the choice we ought to make, than to qualify us for making ſuch choice. Such is the true ſpirit of the reformation; ſuch its real foundation; according to which, private judgment is left to determine in matters of faith; which are to be deduced from the common ſtandard, *i. e.* the Goſpel. Freedom is ſo eſſential alſo to reaſon, that it cannot, if it would, ſubject itſelf to authority. If we infringe ever ſo little on this principle of private judgment, Proteſtantiſm inſtantly falls to the ground. If I am convinced to-day that I ought to ſubmit to the deciſions of others, I ſhould to-morrow become a Catholic, and every honeſt and conſiſtent man would do the ſame.

Now the liberty of interpreting the Scripture not only includes the right of explaining its ſeveral paſſages, but that of remaining in doubt with regard to ſuch as appear dubious, and alſo that of not pretending to comprehend thoſe which are incomprehenſible. Such is the privilege of every one of the faithful; a privilege with which neither miniſter nor magiſtrates have any thing to do. A man who reveres the Bible, and agrees with them in regard to principal points, behaves conformably to the evangelical reformation. The oath of the burghers of Geneva means no more. Already I ſee your learned doctors begin to triumph with regard to theſe principal points, from which they pretend I have departed. But ſoftly, gentlemen, pray; it is not myſelf, but you who are my preſent ſubject. Let us firſt know what theſe capital points are,

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according to you. Let us know what right you have to oblige me to ſee them where I do not ſee them, and where perhaps you do not in fact ſee them yourſelves? Forget not, if you pleaſe, that in impoſing your deciſions on me for laws, you yourſelves depart from the ſpirit of the reformation: it is you who ſhake its real foundation; it is you who by law deſerve to be puniſhed.

Whether we conſider the political ſtate of your republic at the time of the reformation, or weigh the terms of your ancient edicts relative to religion, it will appear that the reformation is in every caſe oppoſed to the church of Rome; and that the laws had no other object than to abjure the principles and worſhip of that church, as being in every ſenſe deſtructive of liberty.

In this particular ſituation the ſtate exiſted only, if I may ſo expreſs myſelf, by the ſeparation of the two churches, and the republic would have been annihilated if Popery had got the aſcendant. Thus the law, which preſcribed the evangelical mode of worſhip, had nothing in view but the abolition of the Romiſh forms. This is ſufficiently proved by thoſe invectives which were contained in your primitive ordinances, and which have ſince been prudently retrenched when the ſame danger no longer ſubſiſted. This is ſufficiently atteſted alſo by the oath of the Conſiſtory; which conſiſts only in the engagement to prevent all *kinds of idolatry, blaſphemies, diſſolutions, and other things contrary to the honour of God and the evangelical reformation.* Such are the terms of the Ordinance paſſed in 1562. On the review of the ſame ordinance in 1576, it was entitled, *To guard againſt*

gainſt all ſcandal *; which ſhews, that in the firſt form of the oath, the ſole object of it was the ſeparation from the Church of Rome. The matter of police was introduced afterwards; as is natural, when an inſtitution begins to aſſume ſome conſiſtency. But even then, neither in the one leſſon nor in the other, neither in any oath of the magiſtrates, the citizens, or the miniſters, is there any mention made of error or hereſy. This was ſo far from being the object of the reformation, or the laws, that it would only have made them inconſiſtent with themſelves. Thus your edicts have ſettled, under the word *reformation*, nothing but the points in controverſy with the Church of Rome.

I am ſenſible that your hiſtory, as well as that of the reformation in general, is full of facts which betray the exiſtence of a very ſevere inquiſition; and that, from being themſelves perſecuted, the reformed ſoon became perſecutors in their turn. But this contraſt, ſo ſhocking in the hiſtory of all ſects of Chriſtians, proves nothing more with regard to yours, than the inconſiſtency of mankind, and the influence which the paſſions have over reaſon. The Proteſtant clergy, in conſequence of their diſputes with thoſe of the Romiſh communion, acquired a ſpirit of cavil and diſputation. They wanted to decide, regulate, and dictate, in every thing: every one very modeſtly propoſed his own ſentiments as the ſupreme law for all the reſt. This was not the way to live long in peace. Calvin, doubtleſs, was a great man; but yet he was ſtill a man, and, what is worſe, a divine. He had, beſides,

† Ordon. Eccleſ. tit. iii. art. 75.

beſides, all the pride of genius, ſenſible of its ſuperiority, and impatient of contradiction. Moſt of his colleagues were in the ſame circumſtances; and all of them by ſo much the more culpable as they were the more inconſiſtent.

What hold did they not give by this means to the Catholics! and what a pity it was that thoſe learned men, thoſe enlightened ſpirits, who reaſoned ſo well on all other ſubjects, ſhould, in their controverſies, reaſon ſo very ill on this!

Theſe contradictions, however, ſerve to prove nothing, except that they acted more from their paſſions than their principles. Their rigid orthodoxy was in itſelf an hereſy. It was, indeed, the ſpirit of the reformers, but not that of the reformation.

The Proteſtant religion is tolerant from principle: it is eſſentially ſo, as much as it is poſſible for a religion to be; ſince the only tenet it does not tolerate is that of perſecution.

Here we ſee is the inſurmountable barrier which ſeparates us from the Catholics, and which unites the other communions among themſelves: every one looks upon the other to be in an error; but none ought to look upon that error as an obſtacle to ſalvation †.

The Proteſtants of our days, at leaſt their miniſters, either know not, or have no love for, their religion. If they had, they would unanimouſly have rejoiced at the publication of my book;

† Of all the ſects among Chriſtians, the Lutherans appear to me the moſt inconſiſtent. The objections which other ſects make to each other, are all to be levelled againſt that alone. It is in particular as intolerant as the church of Rome; of whoſe grand argument it is deſtitute: it is intolerant, without knowing why.

book; they would all have joined me, who attacked only their adverſaries. But they had rather give up their own cauſe than ſupport mine. With their ludicrous arrogance, with their rage of chicanery and perſecution, they no longer know what they believe, what they would have, nor what they ſay. I can look upon them only as worthleſs ſervants of the prieſts, who ſerve their cauſe leſs for the love of them, than out of hatred to me §. When they have diſputed, cavilled, abuſed, and decided, at their pleaſure; in the midſt of this petty triumph, the Romiſh clergy, who at preſent laugh in their ſleeves at what they are about, will attack them in time with unanſwerable arguments *ad hominem*; and, vanquiſhing them with their own arms, will ſay, *All this hath gone well: but at preſent ſtand aſide, wretched intruders as you are; you have only been labouring for us.* But to return to my ſubject:

The church of Geneva has not, nor ought it to have, as a reformed church, any preciſe and particular articles of faith, adopted in common by all its members. If this be inſiſted on, it will be in itſelf an infringement on evangelical liberty, a renunciation of the principles of the reformation, and a violation of the laws of the ſtate. Not one of the Proteſtant churches which have formerly drawn up articles of faith, or the ſynods which have ſettled points of doctrine, appear to have meant any thing more than to preſcribe to the paſtors what they ought to teach; and this was right and proper. But if any of thoſe

§ It is ſuperfluous, I imagine, to acquaint the reader, that I except my own paſtor, and thoſe who think like him with reſpect to this point.

thoſe councils or ſynods took upon them by ſuch formula to preſcribe to the faithful what they ought to believe, the deciſions of ſuch aſſemblies in that caſe prove only that they were ignorant of their own religion.

The church of Geneva hath long appeared to depart leſs from the true ſpirit of Chriſtianity than the others, and it was on this fallacious appearance that I have honoured its paſtors with thoſe encomiums of which I thought them deſerving: for in ſo doing I certainly did not intend to impoſe on the public. But who can bear at preſent to ſee thoſe very miniſters, formerly ſo pliable, become all at once ſo rigid as to quarrel with the orthodoxy of a layman, and leave their own under ſuch a ſcandalous uncertainty. The queſtion hath been put to them, whether Jeſus Chriſt be God? but they are afraid to anſwer. They have been aſked what myſteries they admit of? They dare not make any anſwer. On what ſubject, therefore, will they anſwer? and what are the eſſential articles, different from mine, on which they would have one determine, if theſe are not comprehended among them?

A certain philoſopher caſt a penetrating glance on them, and ſaw they were Arians and Socinians; he ſaid ſo, and in that thought to do them honour. But he did not foreſee, that in ſo doing he endangered their temporal intereſt, the only thing which here below generally determines the religious faith of mankind.

They immediately therefore took the alarm; they aſſembled, they debated, they were agitated, they knew not to what ſaint to devote themſelves: but

but after many conſultations *, deliberations, and conferences, the whole ended in an equivocation, in which they ſaid neither yes nor no; and from which it is as little poſſible to comprehend any thing, as from the two pleaders of Rabelais †. The orthodox doctrine is, therefore, not very clear, and is lodged in very ſecure hands.

And yet becauſe one of them, in a ſtring of forced and pedantic pleaſantries, as candid as elegant, has not been afraid to forfeit his own pretenſions to Chriſtianity in judging of mine; all of them, charmed with the erudition, and in particular the logic, of their learned brother, avow the whole of his work, and ſend him a formal deputation of thanks.

Truly, theſe gentlemen, your miniſters, are a mighty ſingular ſort of people. One knows not what they believe, nor what they do not believe. One does not even know what they pretend to believe. The only manner in which they attempt to eſtabliſh their own creed, is by attacking that of others. They act like the Jeſuits, who, it is ſaid, compel every body to ſign the conſtitution, without ſigning it themſelves. Inſtead of explaining themſelves on the doctrine which is imputed to them, they think to divert the attention of other churches by picking a quarrel with their own defender: they want to prove by their ingratitude, that they do not ſtand in

* When a perſon is fully determined on what to believe, ſays a certain journaliſt, a creed is very ſoon drawn up.

† They would poſſibly have been under ſome embarraſſment to explain themſelves more clearly, without being obliged to retract from their own aſſertions with regard to ſome particulars.

in need of my assistance, and think they sufficiently display their orthodoxy by shewing themselves persecutors.

From all this I conclude, that it is not easy to say in what consists at present the reformed religion at Geneva. All that can be advanced with any certainty on this head, is, that it ought to consist principally in rejecting the tenets contested with the church of Rome by the first reformers, and particularly by Calvin. This is the spirit of your institution; and it is by this you are a free people, and by this alone that your religion is a constitutional part of the state.

I pass from this first question to the second; and ask how it can be said, that in a book, wherein the truth, the utility, the necessity of religion in general, are inculcated with the greatest force; wherein, without making any exclusion, the author prefers the Christian religion to every other, and the evangelic reformation to every other sect; how, I say, can it be pretended, that this very reformation hath been attacked? This seems very difficult to conceive. Let us, however, examine into it.

I first prove in general, and afterwards more circumstantially, that Christianity is not attacked in my book. Now when the common principles are not attacked, a particular sect can be so only in two methods; either indirectly, by maintaining the contrary tenets of its adversaries; or directly, by attacking its own.

But how can I be said to have maintained the particular tenets of the Catholics, when on the contrary it is those only I have attacked; and it is this very attack which hath irritated the Catholic party against me, and without which it

is very certain the Proteſtants would never have taken the alarm? This, I confeſs, is one of the ſtrangeſt things I ever heard of; but it is nevertheleſs true. I am profeſſor of the Proteſtant faith at Paris, and it is for this reaſon I am ſtill ſo at Geneva.

Again; how can it be pretended that I attack the particular tenets of the Proteſtants, when, on the contrary, they are thoſe which I have maintained with the more force, as I have conſtantly inſiſted on the authority of reaſon in matters of faith, on the freedom of private judgement in the interpretation of the Scriptures, on the evangelical toleration, and on our obedience to the laws, in affairs of public worſhip; all of them peculiar and radical tenets of the reformed church, and without which it would be ſo far from having a ſolid foundation, it could not even exiſt.

To this it may be added, that the very form of the piece is an additional argument in favour of the reformed. It is a Catholic Prieſt who is the ſpeaker; and this prieſt is neither a blaſphemer nor a libertine. It is a man faithful and pious, full of candour, of integrity; and who, notwithſtanding his ſcruples, his doubts and objections, entertains, at the bottom of his heart, the moſt profound reſpect for the religion he profeſſes: a man who declares, in the moſt ſecret effuſions of his mind, that, being called to the ſervice of the church, he hath diſcharged his duty with all poſſible exactneſs; that his conſcience would reproach him ſhould he fail even in the leaſt particular; that with regard to the myſteries moſt repugnant to reaſon, he collects his thoughts within himſelf during the moment of

conſecration, in order to do it with that diſpoſition the church and the ſolemnity of the ſacrament require; that he pronounces, with reſpect to the ſacramental terms, he gives to them all the belief in his power; and that, whatever may be the truth with reſpect to that inconceivable myſtery, he is not afraid of being puniſhed at the great day for having ever profaned it in his heart *.

Thus ſpoke and thought that venerable man, that good, prudent, truly Chriſtian, and the moſt ſincere Catholic that perhaps ever exiſted.

It is worth mentioning what this virtuous prieſt ſaid to a young Proteſtant, converted to the Romiſh religion, to whom he was giving advice. "Return to your own country, re-
"ſume the religion of your parents, follow its
"dictates in the ſincerity of your heart, and ne-
"ver leave it more. It is very ſimple and very
"holy. I believe it to be, of all religions on
"the earth, the moſt reaſonable and the moſt
"pure in its morals †."

He adds a moment afterwards, "Whenever
"you appeal to your conſcience, a thouſand
"vain objections diſappear. You will be ſen-
"ſible, that in our preſent uncertain ſtate it is
"an inexcuſable preſumption to profeſs any o-
"ther religion than that in which we are born
"and educated, and a falſehood not to practiſe
"ſincerely the religion we profeſs. If we hap-
"pen to be in an error, we deprive yourſelves
"of a great excuſe at the tribunal of our ſove-
"reign Judge. Will he not be more ready to
"pardon an error in which we have been born

* See Vol. V. p. 220.
† Ibid. p. 225.

" and bred, than that which we have made " choice of ourſelves †?"

A few pages before he had ſaid: " If I had " any Proteſtants in my neighbourhood, or in " my pariſh, I would make no diſtinction be- " tween them and my pariſhioners in things " relating to Chriſtian charity: I ſhould endea- " vour to make them all equally love each o- " ther; to make them look upon each other as " brothers, to reſpect all religions, and to live " in peace each after his own. I think that to " ſolicit any one to quit the religion in which " he was born, is to ſolicit him to do evil, and " of conſequence is to do evil one's ſelf. In the " expectation of ſuperior lights, let us preſerve " the public peace; let us, in every country, " reſpect the laws; let us not diſturb the wor- " ſhip they preſcribe; let us not ſtir up the ci- " tizens to diſobedience, for we know not cer- " tainly whether it be good for them to give " up their preſent opinions for others, and we cer- " tainly know it is an evil to diſobey the laws."

Such, Sir, is the diſcourſe of a Catholic prieſt, in a performance wherein I am accuſed of attacking the religious worſhip of the reform- ed, and in which he hath ſaid nothing more. They might, perhaps, have reproached me, with ſome juſtice, of too great a partiality in his fa- vour, and of a deficiency in point of character, by making a Catholic prieſt talk in ſuch a man- ner as no Catholic prieſt ever yet did talk. Thus I have, in every reſpect, done the very re- verſe to what I am accuſed of. One would be apt to imagine, that the conduct of your magi- ſtrates depended on a wager, and that they had betted

† Vol. V. p. 225.

betted judgment would be given contrary to the evidence. If they had, they could not have succeeded better.

But that book, it is said, contains objections, difficulties, and doubts: And, pray, why should it not? Where is the crime in a Proteſtant's propoſing his doubts on ſubjects that appear to him doubtful, or his objections with regard to thoſe which he finds objectionable. If what appears to you clear, ſeems to me obſcure; if what appears to you demonſtrated, ſeems to me not ſo; by what right do you pretend to ſubject my judgment to yours, and to impoſe on me your authority for law, as if you pretended to the infallibility of the Pope? Is it not very pleaſant that my accuſers are reduced to the neceſſity of reaſoning like Catholics, in charging me with having attacked the Proteſtants?

But theſe doubts and objections fall on the fundamental points of our faith! Under the appearance of doubts, are aſſembled together all thoſe reflections which tend to ſap and deſtroy the principal foundations of the Chriſtian religion! Here we ſee the charge is altered; and if it be true, I may be to blame. But this is alſo a falſehood; and a very imprudent one on the part of men who know not in what the fundamental principles of their Chriſtianity conſiſt. For my part, I very well know in what conſiſt the fundamental principles of mine, and I have declared it. Almoſt all the profeſſion of Eloiſa is affirmative: all the firſt part of the vicar's is affirmative; half the ſecond is likewiſe affirmative. Part of the chapter on polical religion is affirmative: the letter to the Archbiſhop of Paris is farther affirmative. There, gentlemen,

tlemen, you will find my fundamental articles. Be so good as to let us see yours.

No. These gentlemen are cunning. They have laid down a method of discussion, of the newest and most convenient kind for persecutors. They artfully leave all the principles of their doctrine vague and uncertain. But when a writer hath the misfortune to displease them, they begin to turn over their books, to know what are their opinions; and though they think them very plainly laid down, they assume the contrary of those opinions, and compose so many articles of faith: after which, they exclaim against the impiety and blasphemy of such author, because he did not beforehand admit into his writings the pretended articles of faith, which they have afterwards contrived in order to torment the author.

How shall I be able to pursue the multiplicity of subjects on which they have attacked me? How shall I be able to collect or to peruse all their libels? Whom shall I employ to go and pick up these shreds and patches, in the shops of Geneva, or out of that heap of rubbish the Neufchatel Mercury. I should be lost and bewildered in the midst of so many absurdities. From all this farrago, let us take one article only, as an example; an article on which they triumph most, and to discuss which their preachers † retired into the country, and about which they have made the most noise. This is that of miracles.

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† I should not have made use of this expression, as I thought it depreciating, if the example of the Council of Geneva, who employed it in writing to Cardinal de Fleury, had not informed me my scruple was ill founded.

I ſhall enter into a long examination of this ſubject: I muſt beg of you, however, to forgive me if I ſhould treſpaſs on your patience; as I diſcuſs this terrible point only to ſpare you the trouble of attending to others on which they have leſs inſiſted.

They ſay, then, "J. J. Rouſſeau is not a Chriſtian, though he gives himſelf out for ſuch; for we, who certainly are ſo, differ from him in opinion. J. J. Rouſſeau does not believe in revelation, although he ſays he believes in it." Obſerve the proof: "God doth not reveal his will directly to all mankind; he ſpeaks to them only by his miniſters, and his miniſters work miracles as a proof of their miſſion. Whoever therefore rejects miracles, rejects the miniſters of God; and whoever rejects the miniſters of God, rejects revelation. Now John-James Rouſſeau rejects miracles."

We will admit, for the preſent, that both the principle and the fact are true; as we ſhall return to the examination of them afterwards. This ſuppoſed, the preceding argument hath but one defect; and that is, it makes directly againſt thoſe who employ it. It is very good for the Catholics, but very bad for Proteſtants. Let me come to prove in my turn.

You will find that I am frequently guilty of repetition; but of what importance is it? How can I avoid reſuming a propoſition, when I find it neceſſary to arguments quite different? This would be a puerile affectation. My preſent object is not the ſtudy of variety, but that of truth, of juſt and concluſive argument. Paſs by the reſt if you pleaſe, and attend only to that.

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When the firſt reformers began to ſpread their doctrines, the catholic church was in peace: the ſentiments of the whole Chriſtian world were the ſame; nor was there one eſſential tenet controverted among them. In this ſtate of tranquillity, there roſe up at once, two or three clamorous men, who cried out, in the face of all Europe, "Chriſtians, look to yourſelves; ye are deceived, led aſtray, and are in the high road to damnation. The Pope is the Antichriſt, the ſubſtitute of Satan; and his church is the ſchool of falſehood. You are all ruined and undone, if you attend not to our counſel."

At the firſt utterance of theſe clamours, the European nations were aſtoniſhed; and for a while kept ſilence, expecting the conſequence. At length the clergy, recovering from their firſt ſurpriſe, and ſeeing theſe declaimers gain converts, as every one who attempts to form a ſect will certainly do, they thought it expedient to enter into ſome explanation with them. They began with inquiring the reaſon of all this diſturbance. To which the former haughtily replied, "They were the Apoſtles of truth, called to work a reformation in the church, and to bring back the faithful from the way of perdition, into which the prieſts had led them."

"But, pray, ſaid the prieſts, from whom have you received this fine commiſſion to trouble the public repoſe, and diſturb the peace of the church?" From our conſciencies, replied they, from our reaſon, the light within us, the voice of God, which we muſt not diſobey. It is God who hath called us to this ſacred miniſtry, and we obey our vocation.

You are then the miniſters of Heaven, replied the

the Catholics. In this case it is doubtless your duty to preach, to reform, to instruct us; and it is ours to hear you. But in order to obtain your privileges, produce your credentials. Prophesy, heal the sick, work miracles, display the proofs of your mission. The answer of the reformers is curious, and deserves to be faithfully transcribed:

"Yes, we are the ministers of God; but our mission is not of the extraordinary kind. Our inspiration lies in the impulse of a good conscience, and the light of a sound understanding. We do not pretend to bring you a new revelation; but confine ourselves to that which hath been given you, and which you no longer understand. We come to you not with miracles, which may be false, and by which many false doctrines are already supported; but with the evidence of reason and truth, which cannot be deceitful; with the holy Gospels, which you have so disfigured and perverted, and which we will undertake to explain to you. Unanswerable arguments are our miracles, and demonstrations our prophecies. We foretel, that, if you attend not to the voice of Christ, who speaks to you by means of our lips, you will suffer the punishment due to those unfaithful servants, who, being told the will of their master, refuse to obey it."

It was not very natural for the Catholics to be readily convinced of the truth of this new doctrine. And thus we see the point in dispute reduced to such a state, that it could not be determined. On the one side, the Protestants stoutly maintained, That their interpretations were so clear and evident, that nothing but wil-

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ful blindneſs could refuſe to admit of them. On the other, the Catholics, That the trifling and futile arguments of a few individuals ought not to ſet aſide or outweigh the authority of the whole church, which had conſtantly been of a different opinion reſpecting the points in queſtion.

In this ſituation the affair remained, the diſpute turning upon the validity of the evidence; concerning which, men will continue to differ in their ſentiments till they all poſſeſs the ſame ſhare of experience and underſtanding.

It was not the buſineſs of the Catholics to give the argument this turn. They would have more embarraſſed their opponents, if, without contending with them about the efficacy of their proofs, they had conteſted their right to bring them. They ſhould have replied to the reformers in this manner:

"In the firſt place, gentlemen, your argument is a *petitio principii*: for if the force of your proofs be the only token of your miſſion, it follows, that, with regard to thoſe who do not think them convincing, your miſſion is falſe; and we may legally puniſh you as heretics, falſe apoſtles, diſturbers of the peace of the church and of the repoſe of mankind.

"You ſay you preach up no new doctrines; but pray, what are your new interpretations of the Sacred Text? To give a new ſenſe to the words of Scripture, is certainly to eſtabliſh a new doctrine. It is to change the very word of God: for certainly it is not in the mere ſound, but the ſenſe of the words, that revelation conſiſts; ſo that to alter the ſenſe of the words, is in fact to alter revelation itſelf.

"Be-

"Besides, consider how unjust and inconsistent you are. You acknowledge that miracles are necessary to authenticate a divine mission: and yet you, who by your own confession are simple uninspired individuals, imperiously set up for apostles sent from God *. You claim the authority of interpreting the Scriptures just as you please, and deny us the same privilege. You arrogate to yourselves an exclusive right as individuals, which you not only deny to each of us severally, but to all of us assembled together in the constitution of the church. What lawful title or pretensions can you have to subject our public to your private judgment? What intolerable arrogance and self-sufficiency is it to suppose yourselves, and yourselves only, always in the right, in opposition to the rest of the world; whom you will not permit to enjoy quietly their own opinions, though they think them as well founded as you can possibly think yours †? The distinctions with which you amuse

* Farel declared in plain terms before the Episcopal Council at Geneva, that he was sent from God. On which, one of the Members of the Council cried out, in the words of Caiaphas, *He hath blasphemed: What need of other witness? He is deserving of death.* According to the doctrine of miracles, he should have had one at hand to give in reply to that speech. And yet Jesus did not display a miracle on that occasion any more than Farel. Froment declared, in like manner, to the Magistrate who prohibited his preaching, that *it was better to obey the voice of God than that of man;* and continued to preach, in spite of the prohibition; a behaviour which certainly nothing could authorise but an express command from God.

† Who, for instance, was ever more imperious and decisive, or more divinely infallible, in his own opinion, than Calvin; who regarded the least contradiction, or objection to his doctrines, as damnable, and deserving of the severest chastisement. Servetus was not the only person who lost his life for thinking in a different manner from this tyrannical reformer.

muſe us, would at beſt be tolerable, if you had only broached them as private opinions. But you make open war upon us; you blow up the fire of diſcord in every quarter. Not to be converted by your leſtures, truly, is rebellious, idolatrous, and damnable. You preach, dogmatize, cenſure, anathematize, excommunicate, puniſh, and put to death: you exerciſe all the power and authority of prophets, and yet pretend only to be mere men. Shall you, who are mere innovators, upſtarts of yeſterday, take upon you to burn your adverſaries at the ſtake, by the aſſiſtance of a few hundred miſguided followers; and will you deny us the right of proceeding in like manner againſt ours, when we are ſupported by the unanimous conſent of an hundred millions, and have the ſanction of antiquity for fifteen hundred years? No, no. Either ceaſe to talk and act as apoſtles, or produce your title to ſuch a character; otherwiſe, whenever we are the ſtrongeſt, we ſhall treat you, and that very juſtly, as impoſtors."

How could the reformers have invalidated theſe arguments? For my own part, I know nothing they could reaſonably offer in their defence; but muſt either have been reduced to ſilence, or have had recourſe to miracles: A bad reſource for the friends of truth!

I conclude hence, that to inculcate the neceſſity of miracles as a proof of the divine miſſion of thoſe who preach up new doctrines, would be to ruin the credit of the reformation. Thus am I falſely accuſed of having done that which I have endeavoured to avoid.

I have not as yet ſaid all I intended on the chapter of Miracles; but what remains for me

to

to ſay on that ſubject muſt not be divided; and the whole would make too long a letter, and it is now time to put an end to the preſent.

LETTER III.

The ſame ſubject continued. A ſhort examination into other ſubjects of accuſation againſt the author.

I RESUME, Sir, the ſubject of miracles, which I have undertaken to inveſtigate with you; and having already proved, that to eſtabliſh their neceſſity would be to ſubvert Proteſtantiſm, I ſhall now endeavour to find out their utility in proving the truth of revelation.

Mankind, having their heads ſo differently organized, cannot all be affected equally with the ſame arguments, particularly with regard to matters of faith. That which appears evident to one, ſometimes ſeems not even barely probable to another. One perſon, from his particular turn of mind, is ſtruck only by one kind of proof, and another only by proofs of a different nature. All may happen ſometimes to agree about the ſame things; but it is very ſeldom they agree for the ſame reaſons: a circumſtance which ſhews, by the way, how fooliſh a thing controverſy is in general; we might as well endeavour to make other people ſee with our eyes.

When God gives to man, therefore, a revelation which all are obliged to believe, it is neceſſary that it ſhould be founded on proofs adapted to them all; and which ought of courſe

to be as different as the comprehenſions of thoſe who are to adopt them.

On this principle, which appears to me juſt and ſimple, it hath been found, that God hath given to the miſſion of his miniſters, thoſe characteriſtics which render their miſſion obvious to all mankind, high and low, wiſe and fooliſh, learned and ignorant. Thoſe among them who have a brain capable of being affected by all its different characters, are doubtleſs very happy: but he who is affected only by ſome few is not to be complained of, provided he is ſufficiently ſtruck with them to be perſuaded of its truth.

The firſt, moſt important, and moſt certain of theſe characters, is deduced from the nature of the doctrine; that is to ſay, its utility, its beauty *, its ſanctity, its veracity, its ſublimity, and all thoſe other qualities which may ſerve to announce to mankind the inſtructions of ſupreme Wiſdom, and the precepts of ſupreme Goodneſs. This characteriſtic is, as I have ſaid, the moſt certain and infallible, carrying with it

* I know not why the beautiful ſyſtem of morality that is to be found in our books, ſhould be imputed to the progreſs of philoſophy. That morality is taken from the Goſpel, and was Chriſtian before it was Philoſophical. The Chriſtians taught it, I confeſs, without practiſing it: but what do the Philoſophers more, except that of beſtowing upon themſelves a world of encomiums on this account; which, as they are repeated by nobody elſe, in my opinion prove but little. The precepts of Plato are often very ſublime, but how frequently is he miſtaken? And what ſtrange lengths do his errors carry him? As to Cicero, it can hardly be believed that rhetorician could ever have given the world his Offices, had he not borrowed from Plato. The Goſpel alone is, with regard to morality, always certain, always true, always ſingular, and always conſiſtent with itſelf.

it a proof that diſpenſes with every other; but it is the moſt difficult to eſtabliſh: it requires that ſtudy, reflection, knowledge, and inveſtigation, which appertain only to men of logic and learning.

The ſecond characteriſtic is in that of the perſons being choſen by God to announce his word. Their holineſs of life, their veracity, their probity, the ſpotleſs purity of their manners, their virtues unſullied by human paſſions; theſe, together with the qualities of underſtanding, genius, knowledge, and prudence, are ſo many reſpectable indices, the union of which forms a complete proof in their favour, and tells us they are more than men. This is the moſt ſtriking ſign in the eyes of thoſe honeſt people, who conceive the truth always to exiſt with juſtice, and hear the voice of God only from the lips of virtue. This character hath alſo its degree of certitude; though it is not impoſſible it ſhould deceive: for it is nothing uncommon to ſee an impoſtor abuſe the credulity of honeſt people; nor even for an honeſt man to deceive himſelf, when fired by the ardour of an holy zeal which he may miſtake for inſpiration.

The third characteriſtic of perſons ſent from God, is an emanation of the divine power, capable of interrupting and changing the ordinary courſe of nature, at the will of thoſe who are poſſeſſed of it. This character is indiſputably the moſt brilliant of the three, the moſt ſtriking and captivating at firſt ſight: that which, diſplaying itſelf by a ſudden and ſenſible effect, ſeems to require leſs diſcuſſion and examination. For this reaſon it is that which in a peculiar manner affects the common people, incapable

of ſolid argument and careful obſervation, and in every reſpect ſlaves to ſenſe. It is this very circumſtance, however, that renders this character equivocal; as will be proved hereafter: and, in fact, provided it ſtrikes thoſe whom it was intended to affect, what ſignifies it whether it be apparent or real? This is a diſtinction they are not in a capacity to make; which ſhews, that there is no mark truly certain but that which is deducible from the doctrine, and that of courſe none but good reaſoners can have a ſure and ſolid faith: but ſo it is that Divine Goodneſs makes up for the weakneſs of the vulgar, and ſupplies them with proofs ready made to their hands.

I ſtop here, without inquiring whether this enumeration might, or might not, be carried farther. This would be an inquiry foreign to the preſent purpoſe: for it is clear, that when all theſe characteriſtics are united, they are ſufficient to perſuade, as well the learned and good, as the vulgar; and indeed all mankind, except ideots and madmen incapable of reaſon, and the wicked who would not be convinced by reaſon.

Theſe characters are then proofs of the authority of thoſe who are poſſeſſed of them: they are the grounds on which we are obliged to believe in what they ſay. When all this is done, the truth of their miſſion is eſtabliſhed, and they are privileged to act as miſſionaries from God. The proofs are the means, the credit due to the doctrine is the end: provided, therefore, the truth of the doctrine be admitted, it is a moſt ridiculous thing to diſpute about the number and choice of the proofs; and if I am perſuaded by one, it is time thrown away to endeavour to make me adopt o-

thers.

thers. It would at leaſt be very ridiculous to pretend that a man does not believe what he profeſſes to believe, becauſe he does not believe it preciſely for the ſame reaſons that we do.

Theſe appear to me clear and inconteſtible principles. Let us proceed to their application. I have declared myſelf a Chriſtian; my perſecutors ſay I am none. They prove that I am no Chriſtian becauſe I reject revelation, and they prove that I reject revelation becauſe I do not believe in miracles. But one of theſe two things is neceſſary, in order to make this conſequence juſt. Either miracles muſt be the only proof of revelation, or I muſt equally reject alſo the other proofs by which it is atteſted. Now it is not true that miracles afford the only proofs we have of the truth of revelation; and it is not true that I reject the other proofs, as, on the contrary, they are maintained in the very work wherein I am accuſed of endeavouring to ſubvert revelation *.

This is preciſely the ſtate of the caſe. Theſe gentlemen, determined to make me reject revelation in ſpite of myſelf, reckon as nothing that I admit it on ſuch proofs as appear convincing to me, unleſs I admit it alſo on thoſe which do not convince me; and becauſe they do not, they ſay I reject revelation. Can any thing be conceived more unjuſt, or more extravagant? Judge yourſelf alſo if I have ſaid too much; when they impute it to me as a crime, that I do not admit

* It is neceſſary to remark, that the Vicar, as a Catholic, might make many objections that would be none to a Proteſtant. Thus the ſcepticiſm, in which he remains, does by no means prove mine; particularly after the very expreſs declaration which I have made at the cloſe of the ſame paper.

as a proof, what Jesus did not give, but which he expressly refused.

He did not announce his coming at first by miracles, but by preaching. At twelve years of age he disputed in the temple with the doctors; sometimes asking them questions, and at others surprising them with the sagacity of his replies. This was the commencement of his functions, as he himself declared to his mother and to Joseph *. He preached to the people the kingdom of heaven †, before he worked any miracle in the country; and had gathered together several disciples, without having given them any sign of the authority of his mission; the first miracle he wrought being, as we are told, at Cana in Galilee ‡.

In the future display of his miraculous operations, they were shewn chiefly on particular and private occasions; the choice of which was so far from appearing to make them serve as a public testimony of his power, that whenever they were expressly demanded of him for that purpose he always refused them. To prove this, turn to the history of his life; remark in particular his own personal declaration on this subject; which is so full and decisive, that you will find nothing to reply to it.

He was far advanced in his career, when the doctors, seeing him openly act the part of a prophet among them, thought proper to ask of him a sign, or proof of his mission. What should

* Luke xi. 46, 47, 49.

† Matth. iv. 17.

‡ John ii. 11. I can hardly think any person will place in the number of public signs of his mission, his fast of forty days, and being tempted by the devil.

ſhould Jeſus have anſwered, according to your gentlemen? Doubtleſs this: "You aſk of me a ſign; you have already had an hundred. Do you believe I ſhould come among you and declare myſelf your Meſſiah, without firſt giving ſome teſtimony of my being ſuch; as if I intended to force you to deny me, and to make you err involuntarily? No: Cana, the Centurion, the Lepers, the Blind, the Paralytic, the Loaves and Fiſhes, all Galilee, all Judea, are able to depoſe in my favour. Theſe are my ſigns and credentials, why do you affect ignorance of them?"

Inſtead of ſuch an anſwer, we find, Sir, that Jeſus only made the following:

"A wicked and adulterous people demand a ſign, and it ſhall not be given them." Again, in another place, he adds: "No other ſign ſhall be given them than that of Jonas the prophet;" and then, turning his back on them, he departed *.

Thus we ſee how Jeſus, from the firſt condemning the madneſs of hunting after miracles, treated thoſe who demanded them. Nor did this happen once only, but many times †. Now, according to the ſyſtem of your miniſters, this demand was very reaſonable and lawful; why then ſhould he inſult thoſe who made it?

In whom now ſhould we place confidence in this particular? On thoſe who maintain, that not

* Mark viii. 12. Matth xvi. 4. For brevity's ſake, I have quoted theſe paſſages together; but I have preſerved that diſtinction between them which is eſſential to the queſtion.

† Compare the following paſſages, Matth. xii. 39, 41. Mark viii. 12. Luke xi. 29. John ii. 18, 19. iv. 48. v. 34, 36, 39.

not to admit of miracles as a proof of the divine miſſion of Jeſus, is to reject the Chriſtian revelation; or on Jeſus himſelf, who expreſsly declared he hath no ſign to give?

They will aſk, What then is the ſign of Jonas the prophet? I anſwer, It is his preaching to the Ninevites; exactly the ſame ſign which Jeſus made uſe of to the Jews, as he himſelf explains it †. No ſenſe can be given to the ſecond paſſage but what is conſiſtent with the firſt; if there were, Jeſus would be made to contradict himſelf. Now in the firſt paſſage, wherein they demand a miracle as a ſign, Jeſus ſays poſitively he will give them none. In the ſecond paſſage, therefore, he cannot mean any miraculous ſign.

Will they inſiſt that a third paſſage explains this ſign by the reſurrection of Jeſus ‡? I deny it; it explains it at moſt by his death. Now the death of a man is no miracle; nor is it even a miracle that a body ſhould be taken out of the grave three days after its interment. Not a word is ſaid, in this paſſage, of the reſurrection. Beſides, what kind of proof would that be to authenticate himſelf during life, by a ſign which was to happen after his death? This would be, indeed, to hide his candle under a buſhel, and to lay out for nothing but infidels. As ſuch conduct would be unjuſt, this interpretation would be impious.

Beſides, the unanſwerable argument ſtill remains. The ſenſe of the third paſſage ought not to be inconſiſtent with the firſt; and in the firſt it is poſitively affirmed no ſign ſhall be given of

† Matth. xii. 41. Luke xi. 30, 31.
‡ Matth. xii. 40.

of any kind. After all, be this as it may, it is ſufficiently proved, by the teſtimony of Jeſus himſelf, that if he did work miracles during his life-time, he did not do it in proof of his miſſion.

Every time the Jews inſiſted on this kind of proof, he always ſent them away with contempt, without condeſcending to grant their requeſt. He did not even approve of their taking his works of charity in that ſenſe. "Except ye ſee ſigns and wonders, ye will not believe," ſaid he to the nobleman who begged of him to cure his ſon †. Would he have ſpoken in this manner, if he had profeſſed to give miracles as proofs of his miſſion? Was it not very aſtoniſhing, if he had given ſo many ſuch, that the people ſhould continue to demand them of him? "What ſign ſheweſt thou, then," ſaid the Jews to him, "that we may ſee and believe thee? Moſes gave our forefathers manna in the wilderneſs; but what work doeſt thou ‡?" This, according to the notions of your miniſters, is juſt the ſame as if a perſon ſhould abſurdly, and ſetting majeſty aſide, addreſs the king of Pruſſia in the following terms: "The world ſays you are a great general; but why ſo? What have you done to ſhew yourſelf ſuch? Guſtavus was conqueror at Leipſig and at Lutren, Charles at Frawdſtadt and at Narva; but where are thy monuments? What victory haſt thou obtained? What place haſt thou taken? What marches, what campaigns, have done you honour? What right have you to the title of Frederick the Great?" The impertinence of ſuch an harrangue is too obvious,

† John iv. 48. ‡ John vi. 30, 31, & ſeq.

ous, for us to ſuppoſe any perſon of common ſenſe could be guilty of it.

And yet, without putting to ſhame thoſe perſons who were guilty of the like, without working any miracle, without edifying them even by thoſe he had worked, Jeſus contented himſelf with allegorizing on the bread of heaven. Thus his reply was ſo far from procuring to him new diſciples, that ſeveral of thoſe he had, and who doubtleſs were of the opinion of your Theologues, left him. Nay, this deſertion was ſo general, that he even ſaid, by way of reproach to the twelve, "Will ye alſo go away?" He does not appear to have the conſervation of thoſe much at heart, who could not be retained without the force of miracles.

The Jews demanded a ſign from heaven, and according to their ſyſtem they were in the right. The ſign, which ſhould authenticate the coming of the Meſſiah, could not be too evident and deciſive; could not be too free from ſuſpicion, nor have too many ocular witneſſes. As the immediate teſtimony of God is always better than that of men, they might depend with more certainty on the ſign itſelf, than on the teſtimony of people who might report their having ſeen ſuch a one; and for this reaſon a ſign from heaven was preferable to any thing done upon earth.

The Jews therefore acted with a reaſonable view, becauſe they wanted an apparent and wonderful Meſſiah. But Jeſus anſwered them, in the words of the prophet, that the kingdom of heaven did not come attended by external ſhew; that he who foretold it did not cry it aloud, nor would his voice be heard in the ſtreets.

ſtreets. All this does not favour of the oſtentation of working miracles: nor was it the end he propoſed by his. He neither gave them the ſplendor nor the authenticity neceſſary to aſcertain them for true ſigns, becauſe he did not give them out as ſuch. On the contrary, he enjoined the ſick perſons he cured, the lame which he reſtored, and the demoniacs he had delivered, to keep their recovery a ſecret. It ſeems rather that he wanted to keep his power of working miracles unknown: it will at leaſt be acknowledged, that it was a ſtrange method of giving proofs of his miſſion.

But all this explains itſelf, when we reflect, that the Jews required ſuch a kind of proof as Jeſus did not intend ſhould exiſt. "Whoſoever "receiveth not me," ſays he, "will be judged." Doth he add, "The miracles which I have work-"ed will be witneſſes againſt you?" No; but, "The word which I have preached unto you "will be your condemnation." The proof of Jeſus's miſſion, therefore, is in his word, and not in his miracles.

We learn from the Goſpel, that the miracles of Jeſus were all uſeful; but they were performed without noiſe, without preparation, and without pomp; they were ſimple as his diſcourſe, his life, and all his conduct. The moſt apparent, the moſt palpable of all, was indiſputably that of the five loaves and two fiſhes, with which he fed five thouſand perſons. His diſciples were not only eye-witneſſes of this miracle, but were in a manner inſtrumental in its operation; and yet they did not ſo much as think of ſuch a thing, or ſuſpect it. Is it to be conceived, that an action ſhould be intended as

a remarkable token to mankind, to which its moſt immediate witneſſes did not pay the leaſt attention †.

It ſhould ſeem, indeed, that the real deſign of the miracles of Jeſus was ſo far from being that of eſtabliſhing a belief in him, that he began by requiring that belief before he would work any miracle. Nothing is ſo frequent in the Goſpel. It is preciſely for this reaſon; it is becauſe a prophet has no honour in his own country, that Jeſus wrought ſo few miracles in his ‡: it is even ſaid that he could not do it on account of their incredulity §. How is this? It was on account of their incredulity that he ſhould have done the more, in order to convince them, if that had been the deſign of his miracles; but it evidently was not: they were ſimply acts of goodneſs, of charity, of benevolence, which he did in favour of his friends, and of thoſe who believed in him. It was in ſuch acts that conſiſted thoſe works of mercy which were truly worthy of him, and which he ſaid bore teſtimony of him *. Theſe works diſplay the power of doing good to mankind, rather than a deſign to ſtrike them with aſtoniſhment: they are virtues ‖ rather than miracles. And can it be ſuppoſed that ſupreme Wiſdom would take means ſo contrary to the end which it propoſed? How comes

† Mark vi. 52. It is ſaid, *They conſidered not the miracle of the loaves, for their heart was hardened.* But who will preſume to boaſt they have hearts more ſuſceptible of ſacred things than the choſen diſciples of Jeſus?

‡ Matt. xiii. 58. § Mark vi. 5.

* John x. 25, 32, 38.

‖ This is indeed the meaning of the original word made uſe of in Scripture, and which our tranſlators have rendered miracles.

comes it about it ſhould not foreſee, that the miracles on which it would found the authority of its miſſionaries ſhould produce a contrary effect; that they would render the truth of the whole hiſtory ſuſpected, as well with regard to the miracles as to the miſſion; and that amidſt ſo many ſolid proofs, this would only make ſenſible and ingenuous perſons more ſcrupulous with reſpect to the reſt? Yes, I will conſtantly maintain it, that the ſupport, which is by this means intended to be given to our faith, is the greateſt obſtacle it has to encounter. Take away the miracles from the Goſpel, and the whole world would immediately become Chriſtians †.

You ſee, Sir, it is atteſted by the Scripture itſelf, that with regard to the miſſion of Jeſus Chriſt, the miracles are not ſigns ſo neceſſary to our faith, that we may not believe in that, without admitting of them.

We agree that other paſſages offer a ſenſe contrary to theſe; the ſenſe of theſe is, as directly contrary to them: ſo that, making uſe of my undoubted privilege, I have made choice of that ſenſe which appears to me the moſt clear and rational. Had I the vanity to think of explaining every thing, I might, like a true theologue, torture and twiſt every paſſage into my meaning;

† When Paul was preaching to the Athenians, he was heard very patiently, till he ſpoke of a man raiſed from the dead; when ſome of his auditors ſmiled; and others ſaid, *It is ſufficient, we will hear the reſt another time.* I know not well what theſe our faſhionable good Chriſtians really think in their hearts; but, if they believe in Chriſt on account of his miracles, I, for my part, believe in him, in ſpite of his miracles; and I have a notion that my faith is ſtill better than theirs.

ing; but ſincerity doth not permit to make ſuch ſophiſtical interpretations. My own ſentiments being ſufficiently authoriſed by what I comprehend *, I remain perfectly at eaſe with regard to what I do not, and what thoſe who pretend to explain it comprehend as little as myſelf. The authenticity which I aſcribe to the Goſpel, I aſcribe not to the interpretations of men; and I no more intend to ſubject their opinions to mine, than I mean to ſubmit mine to theirs. The injunction itſelf is general, and clear in its import. The underſtanding, which explains it, is particular; and every perſon hath his own, which hath no authority over any but himſelf.

To

† Nor is my opinion ſo very ſingular, but that it is common to many divines, whoſe orthodoxy is better eſtabliſhed than that of the clergy of Geneva. Here follows an extract from a letter, which one of thoſe divines wrote me on this ſubject, the 28th of February, 1764.

"Whatever may be advanced by the herd of our modern apologiſts for Chriſtianity, I am perſuaded that there is not a ſingle word in the holy Scriptures from which it may be juſtly concluded that the miracles were intended to ſerve as proofs to all men, at all times, and in all places. So far from it, it was not, in my opinion, their principal object with reſpect even to thoſe who were actually eye-witneſſes of them. When the Jews demanded a miracle of St Paul, all his anſwer was, the preaching of Chriſt crucified. Had Grotius, Vernes, Vernet, or the preachers of the Boyleian lecture, been in the place of this Apoſtle, they would have been very earneſt to have found means to ſatisfy a demand which ſuits ſo well with their principles. Theſe people think they do wonders with their numerous arguments; but I hope it will one day become a matter of doubt whether they were not compiled by a ſociety of infidels, without there being any neceſſity for another Father Hardouin."

Let it not be thought that the author of this letter is a partizan of mine. So far from it, he is one of my adverſaries. He finds only that the others know not what they are about. Or perhaps he ſuſpects ſtill worſe; for the faith of thoſe who believe on the ſtrength of miracles will even be thought ſuſpiciouſly of by men of knowledge and judgment.

To ſuffer ourſelves to be influenced by others in this matter, is to ſubſtitute the interpretation in the place of the text; it is to ſubmit our judgements to the opinions of men, not to the revealed will of God.

But I ſhall return to my argument; and having thus determined that miracles are not a ſign neceſſary to faith, I ſhall proceed to ſhew, in confirmation of it, that miracles are not an infallible ſign, or one of which men are capable to judge.

A miracle is, in a particular fact, an immediate act of divine power, a ſenſible change in the order of nature, a real and viſible exception to its laws. Such is the idea, from which we muſt not wander, if we would be underſtood in reaſoning on this ſubject. Now this idea preſents two queries; which it is neceſſary for us to reſolve. The firſt is, Can the Deity work miracles? that is to ſay, Can he break through thoſe laws which he hath eſtabliſhed? To treat this queſtion ſeriouſly would be impious, if not abſurd: to puniſh the man who ſhould reſolve it in the negative, would be doing him too much honour; he ſhould be confined to ſtraw and a dark chamber. But then who hath ever denied the power of the Deity to work miracles? A man muſt be a very Jew, to aſk if God Almighty could ſpread a table in the wilderneſs?

The ſecond queſtion is, Would the Deity work miracles? This is another thing. This queſtion, conſidered merely in itſelf, is perfectly indifferent. It by no means intereſts the glory of God, whoſe deſigns we cannot penetrate. I will go ſtill farther, and ſay, if there were any difference with regard to faith in the

manner of anſwering it, the higheſt ideas we can entertain of the wiſdom and majeſty of the Divine Being would induce us to reply in the negative. It is nothing but human vanity that could object to it. Thus far can reaſon go, and no farther. As for any thing elſe, this queſtion is futile and frivolous; as, in order to reſolve it, we ought to be able to read the eternal decrees of heaven; for, as we ſhall ſee preſently, it is impoſſible to determine it by facts. Let us therefore beware of looking too curiouſly into theſe myſteries. Let us pay ſo much reſpect to the infinite Eſſence, as to come to no determination about an object of which we know nothing but its immenſity.

And yet when a mere mortal comes to us, and boldly affirms that he hath ſeen a miracle, he determines this great queſtion at once: Judge then, if he ought to be believed merely on his own word. If there were a thouſand, I ſhould not believe them.

I do not trouble myſelf about the groſs ſophiſtry, of employing moral proofs to aſcertain facts that are phyſically impoſſible; as in that caſe the very principle of credibility, founded on natural poſſibility, is in fault. Though men are willing, in ſuch a cauſe, to admit of this proof in matters of mere ſpeculation, or in regard to facts that are in no wiſe intereſting, we may be aſſured they would be more difficult with reſpect to any thing that in the leaſt affected their temporal intereſt. Let us ſuppoſe that a dead man ſhould return to demand his eſtate and effects of his heirs, affirming that he is reſtored again to life, and requiring to be admitted to prove

it *:

it*: Is there a tribunal upon earth would grant him leave? But not to enter as yet into this controverſy, we will admit the facts to have all the certitude aſcribed to them, and content ourſelves with diſtinguiſhing between what is apparent to the ſenſe, and what is deducible from reaſon.

As a miracle is an exception to the laws of nature, it is neceſſary, in order to enable us to judge of it, that we ſhould be fully acquainted with thoſe laws; and, in order to judge of it with certainty, that we ſhould be acquainted with them all. For, if there ſhould be but one we are ignorant of, it may in ſome circumſtances unknown to the ſpectators alter the effect of thoſe which may be known. Hence every one, who takes upon him to ſay that ſuch or ſuch an act is a miracle, declares himſelf to be perfectly acquainted with all the laws of nature, and that he knows this act to be an exception.

But where is the man who knows all the laws of nature? Newton himſelf never pretended to ſuch knowledge. A ſenſible man, being witneſs to an unheard of fact, may affirm that he ſaw ſuch a fact, and we may believe him. But neither that ſenſible man, nor any other ſenſible man upon earth, will take upon him to affirm that ſuch fact, how new and aſtoniſhing ſoever, is a miracle: for how can he know it?

The moſt that can be ſaid in favour of a perſon who boaſts his working miracles, is, that he does things very extraordinary; but who will deny the poſſibility or reality of things very extraordi-

* It is particularly to be obſerved, that in this ſuppoſition is meant a real and abſolute reſurrection, and not the return of a man ſuppoſed to be dead.

traordinary? I have myſelf ſeen, and even done them †.

New diſcoveries are daily made in the operations of nature, while human induſtry is hourly proceeding towards perfection. The curious art of chemiſtry alone hath its tranſmutations, precipitations, detonations, exploſions, its phoſphorus, its earthqakes, and a thouſand other wonders, to operate on the beholders. The oil of guaiacum and ſpirit of nitre are liquids not very uncommon; mix them together, and you will ſee what will happen. But beware of making this experiment in a chamber, leſt you ſet fire to the houſe *. Had the prieſts of Baal had Mr Rouelle among them, their altar had taken fire alſo, and Elias had been duped.

Mix two certain limpid and tranſparent fluids together, and they become inſtantaneouſly black as ink. Again, mix two others together, and they

† In the year 1743, I ſaw, at Venice, a new and ſtranger method of diſcovering fortunes than thoſe of Preneſte. The perſon who would make uſe of it, went into a chamber, and there remained alone if he deſired it. Upon a table lay a book full of blank leaves, of which he took out any one at pleaſure: then holding the leaf in his hand, he demanded not aloud, but mentally, what he wanted to know. After which he folded up his blank leaf, ſealed it, and placed it again in the book thus ſealed. He proceeded then to repeat a ſet form of barbarous odd-ſounding words, without the book's being taken out of his ſight. He then took out the paper, ſaw the ſeal was unbroken, opened it, and found the anſwer to his queſtion written therein.

The magician, who managed this piece of conjuration, was the firſt Secretary to the French Ambaſſador, and his name was J. J. Rouſſeau. I contented myſelf with being a conjurer, becauſe I was modeſt; but if I had had the ambition of becoming a prophet, what could have prevented me?

* There are ſome precautions to be taken in order to ſucceed in making this experiment; but I imagine I ſhall be excuſed from giving the receipe here.

they will be converted into a ſolid opaque body. If a prophet of the college of Harcourt ſhould go into Guinea, and ſay to the people, "Acknowledge the power of him who ſent me; behold, I am able to convert water into ſtone;" and then, making uſe of means known to the mereſt tyro in phyſical experiment, he ſhould convert water into ice: Would not the Negroes be all ready to adore him?

The prophets of old brought down fire from heaven at their demand; in theſe times we ſee children do the ſame by means of a little bit of glaſs. Joſhua made the ſun ſtand ſtill: a modern almanack-maker makes him undergo an eclipſe; a much more palpable prodigy. The cabinet of the Abbe Nollet is a laboratory of magic, and the mathematical recreations are a collection of miracles. Nay, the very fairs ſwarm with miracle-mongers; the North-Holland boor, whom I have ſeen twenty times light a candle with his knife, hath the means of ſubjecting a whole people, even at Paris. What do you think he might not have done in Syria?

The fairs of Paris afford a very ſingular entertainment. Not one paſſes without preſenting the moſt aſtoniſhing ſights; to which the public hardly pay any attention: ſo much is it accuſtomed to ſee wonderful ſights, and even thoſe it is incapable of comprehending. While I am now writing, there are to be ſeen two ſeparate portable machines, one of which walks about or ſtands ſtill at the pleaſure of the perſon who moves the other. I have ſeen a wooden head that ſpoke; and yet was as little talked of as that of Albert the Great. I have even ſeen a thing ſtill more ſurpriſing; which is that of men,

learn-

learned, academicians, running in crowds after miracles and convulsionaries, and returning highly astonished and edified.

With such instruments as cannon, the loadstone, the barometer, and optical instruments, what prodigies might not be worked among ignorant people? The Europeans have, in consequence of their arts, always passed for gods among the barbarians. And yet, if in the midst even of these arts, sciences, colleges, and academies; if in the midst of Europe, in France, or in England, a person had started up, in the last century, armed with all those miracles of electricity which are now common to the meanest of our experimentalists, it is certain that he would have been burnt for a sorcerer, or followed as a prophet.

I know not if the art of healing be discovered; or whether it ever will: but I know that it is not out of nature. It is certainly as natural for a man to grow well as to fall sick: he may also be as well cured suddenly, as die suddenly. All that can be said against certain cures, therefore, is, that they are very surprising; but not that they are impossible; how do you prove then that they are miraculous? I must confess, however, that there are things which would astonish me much, were I an eye-witness of them. Not that I should be so much astonished to see a lame person enabled to walk, as to see one walk who had no legs; or to see a man struck with the palsy move his arm, as to see a man who had but one arm move two. This, I own, would strike me much more than the raising a man from the dead: for, after all, a dead man may not be actually dead *.

dead *. See the book of Mr. Bruhier.

However ſtriking ſuch a ſight might be, I would not ſee it for all the world; for, how do I know what might happen? Inſtead of making me a believer, it might poſſibly make me crazy: but I am not here to talk of myſelf. Let us return.

There hath been lately diſcovered a method of recovering perſons to life, after they have been drowned: a method hath been alſo attempted to recover ſuch as have been hanged. Who knows but means may be found to reſtore life to perſons dying from other cauſes? The art of removing a cataract was formerly unknown; at preſent it is familiar to the ſurgeons. Who knows but there may be a method, at preſent unknown, to remove it inſtantaneouſly. Who knows if the poſſeſſor of ſuch a ſecret might not do that with ſimplicity, which an ignorant ſpectator might take for a miracle, and a partial writer relate as ſuch †. All this, you will ſay,

is

* *Lazarus was already buried.* But was he the firſt man that ever was buried alive? *He had been in the grave four days.* Who had counted them? It was not Jeſus; he was abſent. *He already ſtunk?* How do we know that? His ſiſter ſaid ſo. That was all the proof. The fright and diſguſt might have made any other woman ſay the ſame, even though it had not been true. *Jeſus only called to him, and he came forth.* Let us beware of falſe reaſoning. We are ſpeaking of a miracle, a phyſical impoſſibility; but this is not ſuch. Jeſus made much more preparation in other caſes that were not more difficult. See the following note. Why this difference, if all were equally miraculous? The preſent may poſſibly be an exaggeration; nor is it the greateſt St John hath made, witneſs the laſt verſe of his Goſpel.

† We ſometimes find, in the circumſtances of theſe relations, a gradation that by no means agrees with a ſupernatural operation. When a blind man is preſented to Jeſus, inſtead of curing him inſtantaneouſly, he takes him out of the crowd.

There

is improbable: be it ſo; we have no proof that it is impoſſible, and we are here talking of a phyſical impoſſibility. Without this, the Deity, in diſplaying his power, could give us only apparent ſigns, and ſimple probabilities: and it would thence follow, that the authenticity of miracles being founded only on the ignorance of thoſe for whom they were intended, what might be miraculous to one age or people, would not be ſo to others; ſo that the proof being deficient in point of univerſality, the ſyſtem built on it muſt fall to the ground. No; give me miracles that will remain ſuch, whatever happen, in all times and in all places. If many of thoſe which are recorded in the Bible, appear to ſtand in this predicament, there are others which do not. Anſwer me, then, moſt learned Theologiſt, do you inſiſt that I ſhall take them all in the lump; or do you permit me to pick and chuſe? When you have determined this point, we ſhall ſee farther.

You

There he anoints his eyes with ſpittle, and lays his hand on him; after which, he aſks the man if he ſees any thing? The blind anſwers, that he ſees men walking about that look like trees. On which, concluding that the firſt operation had not been ſufficient, Jeſus repeated it; and the man was cured. At another time, inſtead of employing mere ſpittle, he mixed it with clay.

Now, I aſk how all this was neceſſary to the working of a miracle? Could nature reſiſt the will of her Maſter? Was he obliged to exert any force or perſeverance to make himſelf obeyed? Had he occaſion for ſpittle, clay, or other ingredients? Had he even occaſion to ſpeak aloud? Was it not ſufficient that he ſhould mentally will the deed to come to paſs? Or ſhall we preſume to ſay that Jeſus, though certain of his fact, made uſe of the petty arts of a mountebank, in order to diſplay his ſkill to greater advantage, and amuſe his ſpectators? And yet, according to the notions of your Miniſters, it is neceſſary for us to do one or the other.

You will please to observe, Sir, that, in supposing at most an amplification of circumstances, I do not found any doubt at bottom of the reality of the facts. Having said this before, it is indeed superfluous to repeat it. Jesus, enlightened by the Spirit of God, was possessed of knowledge so superior to that of his disciples, that it is not surprising if he did many extraordinary things, of which the ignorance of the spectators made prodigies, though they were really none. How far also might he not go, by virtue of these superior lights, in acting by means new and unknown to them, as well as to us *? This is what we neither know, nor are able to know. The spectators of marvellous things are naturally led to cry them up with exaggeration. In deceiving others on this head, therefore, men may frequently, without ill intention, deceive themselves. When things are ever so little above our own knowledge or comprehension, we are apt to think them above that of human reason in general, and the mind is at length induced to see a prodigy, where the heart is so strongly inclined to find one.

Miracles, as I have already observed, are proofs calculated for the weak and simple, for whom the laws of nature form a very narrow circle round them. But this sphere extends in pro-

* † Our divines strongly insist, that I have represented Jesus as an impostor; affecting warmth in their answers to this scandalous accusation, in order to make it believed that I am guilty. Pious creatures! How would these candid Christians triumph if they could pick up a word of blasphemy in in my writings! What satisfaction, what edification it would give their charitable souls! With what holy joy would they bring matches, lighted by their zeal, to burn me at the stake!

proportion as men grow enlightened, and as they come to perceive how much remains for them to know. With the natural philoſopher the limits of this ſphere are at ſo great a diſtance, that he ſees no miracle within them. *That cannot be*, is an expreſſion ſeldom made uſe of by the ſages; with whom it is more frequent to ſay, *I don't know*.

What ought we, therefore, to think of the many miracles related by authors; honeſt, I doubt not, but ſo very ignorant, and ſo full of zeal for the glory of their maſter? Ought we to reject all their facts entirely? No. Ought we to admit of them entirely? I cannot pretend to determine *. We ought to reſpect them, without

* There are ſome things recorded in the Goſpel, which it is abſolutely impoſſible to take in the literal ſenſe, without giving up our underſtanding. Such, for example, is the ſtory of the demoniacs. The devil is known by his works, and the actually poſſeſſed are the wicked. Reaſon will never acknowledge any other. But to go on.

Jeſus demands of a groupe of demons, what is their name? How! have the devils names? Have angels names? Have pure ſpirits names? Doubtleſs they have names among themſelves, to call each other by. But who gave them thoſe names? In what language are the words? Whoſe lips pronounce them? Whoſe ears are affected by the ſound? Their name was *Legion*, for they were many; a circumſtance which Jeſus apparently did not know. Theſe angels, theſe ſublime intelligences as well in evil as good, theſe celeſtial beings who could revolt againſt God, who dared to controvert his eternal decrees, were lodged all huddled together in the body of a man: which being compelled to abandon, they beſought leave to enter into a herd of ſwine. This leave being granted them, the ſwine precipitated themſelves into the ſea, and were drowned. Are ſuch the auguſt proofs of the miſſion of the Redeemer of mankind, thoſe proofs which ought to certify it to all people, in all ages, and of which none are permitted to doubt? Good God! is it poſſible to think it? And are theſe, Gentlemen, the grounds of your faith? Mine appear to me much more certain.

without deciding any thing of their nature, though we ſhould be ever ſo often proſecuted for it. For, after all, the authority of the laws cannot extend ſo far as to oblige us to reaſon falſely; and yet this we muſt do to find a fact miraculous in which reaſon ſees only ſomething extraordinary.

What if it were true that the Catholics have a certain way to make this diſtinction with reſpect to themſelves, how would this affect us? According to their notions, when the church hath once determined any particular fact to be a miracle, it is a miracle; for the church is infallible. But I have not to do at preſent with Catholics, but with Proteſtants. The latter have very properly refuted ſome parts of the Vicar's profeſſion of faith; which, being written only againſt the Roman church, neither can nor ought to prove any thing againſt them. The Catholics may, in like manner, eaſily refute theſe letters, becauſe I have here nothing to do with the Catholics, and our principles are by no means theirs. When my adverſaries come to ſhew that I have not proved what in fact I did not intend to prove, here they triumph.

From what is here advanced, I conclude, that mere facts, though ever ſo well atteſted, and admiſſible in all their circumſtances, ſerve to prove nothing; and that we may ſuſpect an exaggeration of their circumſtances, without ſuſpecting the ſincerity of thoſe who have related them. The diſcoveries which are daily making in the laws of nature, thoſe which probably will be made hereafter, and thoſe which may ever remain to be made; the paſt and preſent progreſs of human induſtry; the different bounds

which people ſet to the poſſible and impoſſible, according as they have more or leſs knowledge; all theſe things ſerve to prove that we are unacquainted with thoſe bounds: and yet, in order to a miracle's being really ſuch, it muſt ſurpaſs them. Whether there be truly any miracles or not, therefore, it is impoſſible for a wiſe man to be aſſured that any fact whatever is truly ſuch.

Independent of the proofs of that impoſſibility which I endeavour to eſtabliſh, there is another no leſs forcible in the ſuppoſition itſelf. For, ſuppoſing that real miracles have been performed, of what utility can they be, if falſe miracles are alſo recorded, and we are incapable to diſtinguiſh them from the true? It is to be obſerved here, that I do not call a falſe miracle a fact that hath not really happened, but a ſupernatural operation effected to ſupport a falſe doctrine. As the word *miracle*, taken in this ſenſe, may be offenſive to pious ears, let us employ another word, and give ſuch facts the name of *deluſions*. But let it be remembered, that it is impoſſible for human ſenſe to diſcern a deluſion from a miracle.

The ſame authority which confirms the miracle confirms alſo theſe deluſions; proving farther, that to all appearance they differed in nothing from the miracles themſelves. How then were they to be diſtinguiſhed one from the other? and who could prove the miracle, if the eye-witneſſes of it could not diſcover, by any certain token deduced from the thing itſelf, whether it were the work of God or the work of the devil? It would require a ſecond miracle to certify the firſt.

When Aaron threw down his rod in preſence of

of Pharaoh, and it was changed into a ſerpent, the magicians of the court threw down their rods, and they became ſerpents likewiſe. Now, whether this change was real on both ſides, as is related in Scripture; or whether it were only a real miracle on the ſide of Aaron, and the deluſion of the magicians was merely apparent, as the divines affirm, it is no matter: the appearance of both was exactly the ſame. The book of Exodus makes no mention of any difference; and if there had been any, the magicians would have been careful of expoſing themſelves by the compariſon; or, if they had done it, would of courſe have been confounded.

Now mankind cannot judge of miracles but by their ſenſes; and if their perception be the ſame, the real difference which they cannot perceive paſſes for nothing. Thus the ſign, merely as a ſign, proves no more on one ſide than on the other; and the prophet hath no more advantage in this than the magician. If you will impute the force of this argument to my fine ſtyle, you muſt agree it requires a much finer to refute it.

It is true, that the ſerpent of Aaron devoured the ſerpents of the magicians. But if the force of magic were admitted, Pharaoh could conclude nothing more from what he ſaw, than that Aaron was a greater maſter in his art. Thus Simon, delighted with the wonderful things done by Philip, wanted to purchaſe of the apoſtles the ſecret of doing like them.

Beſides, the inferiority of the magicians aroſe only from the preſence of Aaron. When Aaron was abſent, they, by producing the ſame ſigns, had an apparent right to pretend to the

ſame authority. The ſign in itſelf, therefore, proved nothing.

When Moſes changed the water into blood, the magicians changed the water into blood. When Moſes produced frogs, the magicians produced frogs. They failed, indeed, in attempting the third plague. But let us confine ourſelves to the two firſt, which God himſelf hath made the proof of his divine power *. The magicians alſo produced this proof.

As to the third plague, which they could not imitate, it is not very evident what could render it ſo difficult, ſo far as to point out the finger of God in the exception. Why ſhould not thoſe who were able to produce an animal, be able to produce an inſect? And how comes it, that, after having produced frogs, they ſhould not be able to produce lice?

The ſame Moſes, inſtructed by all theſe experiments, declares, that if a falſe prophet ſhould come to preach any other gods, that is to ſay, a falſe doctrine, and that if this falſe prophet ſhould confirm what he ſays by prophecies or miracles, he ought not to be heard, but to be put to death. So that true ſigns, we ſee, may be employed in behalf of a falſe doctrine; the ſign in itſelf, therefore, proves nothing.

The ſame doctrine of deluſive ſigns is confirmed in many other places of Scripture. Beſides, after having declared that he himſelf will work no miracle, Jeſus foretels the coming of falſe chriſts and falſe prophets, "who ſhall "ſhew great ſigns and wonders, inſomuch that, "if it were poſſible, they ſhall deceive the very "elect †."

* Exodus vii. 12.

" elect †." Would not one be almoſt tempted, from this paſſage, to think that ſigns were rather proofs of falſehood than truth?

How ſhall the Deity, who is free to make choice of what proofs he pleaſes when he ſpeaks to mankind, prefer ſuch as neceſſarily ſuppoſe we are poſſeſſed of knowledge which he knows we have not? Can he employ the ſame means to inſtruct them, as he knows the devil takes to deceive and impoſe on them? Is ſuch a conduct worthy of the Deity? Can it be that God and the devil act in one and the ſame manner? This is what I cannot eaſily conceive.

Our modern Theologues, who are better reaſoners, but have leſs ſincerity, than the ancients, are much embarraſſed about this magic: they would be glad, if they could, to get quite rid of it. But they dare not: to deny it, they find, would be denying too much. Theſe people, ſo dogmatical and peremptory in other caſes, here change their tone: they will neither deny nor admit, but betake themſelves to the arts of tergiverſation and equivocation. I imagine, Sir, I have now plainly pointed out to you where the difficulty lies. But that nothing may be wanting to illuſtrate it, I ſhall place it in dilemma.

If we deny the deluſions, we cannot prove the miracles; becauſe both are founded on the ſame authority.

And if we admit of both, we have no preciſe and certain ſtandard by which to diſtinguiſh the one from the other.

So that miracles ſerve to prove nothing.

I know that our divines, being thus cloſely

† Matth. xxiv. 24. Mark xiii. 22.

preſſed, have recourſe again to the nature of the doctrine: but they kindly forget, that, if the doctrine be eſtabliſhed, the miracle is ſuperfluous; and that, if it is not, it proves nothing. *Letter to M. Gingins de Moiry.*

Pray be not here led into a miſtake; nor conclude, becauſe I do not look upon miracles as eſſential to Chriſtianity, that I therefore reject miracles. No, Sir, I neither have rejected them, nor do reject them. If I have given my reaſons for doubting the truth of them, I have not diſſembled my reaſons for believing them. There is a very wide difference between denying a thing, and the not affirming it; between poſitively rejecting it, and negatively not admitting it. And I have taken ſo little upon me as to the deciſion of this point, that I defy any one to find a ſingle paſſage, in all my writings, in which I have ſpoken in the affirmative againſt miracles. And indeed how ſhould I, notwithſtanding my doubts, ſince in caſes the moſt clearly determinable I have declined affirming any thing. What affirmations can a writer be ſuppoſed to make in his book, who ſpeaks as follows in his Preface †.

"With regard to what may be called the ſyſtematical part of this treatiſe, which is nothing more than the progreſſive ſyſtem of nature, this will probably moſt perplex the reader; on this head, therefore, I ſhall doubtleſs be attacked, and perhaps with reaſon. It may be objected to me, that my book contains rather a heap of reveries, than a treatiſe. But what muſt be done? I do not compoſe a diſſertation from the ideas of others; but write immediately from my own. I do not ſee things altogether in the ſame light as other

† See Preface to Emilius.

other people; and have been frequently reproached on that account. But does it depend on me to give myſelf new eyes, or to be affected with new ideas? No. It is my fault, indeed, if I am too vain of my own manner of conception, if I believe myſelf alone to be wiſer than all the reſt of the world. It is not in my power to change my ſentiments, but to diſtruſt them: this is all I can do, and this I have done. If I ſometimes aſſume an affirmative tone, therefore, it is not with a view to impoſe my notions on the reader, but only to tell him what I really think. Why ſhould I propoſe any thing to him in the form of a doubt, of which I harbour not the leaſt doubt myſelf; I only tell him exactly what paſſes in my own mind.

"In ſpeaking my opinion freely, I am ſo far from impoſing it as an authority, that I always annex my reaſons; to the end that the reader may weigh them, and judge for himſelf. Tho' I am not obſtinate in the defence of my own ſentiments, however, I think myſelf not the leſs obliged to propoſe them; as the maxims, about which I differ widely from the other people, are far from being unimportant. They are ſuch whoſe truth or falſehood it is of conſequence for us to know, and on which depends the happineſs or miſery of mankind."

Can an author, who knows not whether he is not himſelf miſtaken, who is afraid leſt all he ſays may be only a collection of reveries; who without being able to change his ſentiments, is yet diffident of them; who aſſumes not an affirmative manner to impoſe them on the public, but only to ſpeak as he thinks; who, without ſeeking to eſtabliſh his own authority, gives always his

his reaſons, that every one may judge for himſelf; and who does not obſtinately perſiſt in the defence of his own notions: An author, who expreſſes himſelf to this purpoſe in the Preface to his book; can ſuch an author, I ſay, be charged with the deſign of pronouncing oracles? Can he be ſaid to impoſe his deciſions on others? On the contrary, doth he not, by this preliminary declaration, include even his ſtrongeſt aſſertions among the number of his doubts?

Let it not be ſaid that I go contrary to theſe engagements, in perſiſting here to defend my opinions. This would be the height of injuſtice. It is not my opinions that I defend here, but my perſon. If my writings only had been attacked, I ſhould have perſevered in keeping ſilence. This was my determined reſolution. Since the declaration I made in 1753, have I anſwered any one, or have I been ſilent for want of aggreſſors? But when I am proſecuted and condemned; when I am abuſed for having ſaid what I have not ſaid; it is neceſſary for me, in my own defence, to ſhew that I have not ſaid it. It is my enemies who force me, againſt my will, to take up the pen. Ah! would they but let me alone, I aſſure them, very ſincerely, I ſhould never trouble the public.

This may ſerve as an anſwer to the objection, which I have thus prevented being retorted on me; *viz.* that of ſetting up myſelf as a reformer, by oppoſing the opinions of all my contemporaries. For nothing ſurely can have leſs the air of bravado, than the ſtyle I have uſed. To ſpeak with ſo much diffidence and circumſpection is very far from aſſuming the air of a prophet. I thought it my duty to ſpeak my ſentiments

ments with regard to certain uſeful and important points: But have I ſaid a word, have I taken one ſtep, in order to get them adopted by others? Hath any body ſeen, in my conduct, the behaviour of a man who endeavoured to place himſelf at the head of a ſect.

In tranſcribing the particular paper alſo which hath unexpectedly irritated ſo many zealots, I adverti ſed the reader that he ought to be diffident of my judgment; and that his own ſhould determine whether any uſeful reflections might be drawn from that piece. I neither propoſed my own creed, nor that of any other man, as a ſtandard for others; but ſubmitted it to their examination *.

After having finiſhed the tranſcript alſo, I annexed the following notice.

"I have tranſcribed this paper, not as a rule of faith, which ought to be adopted reſpecting matters of religion; but as an example of the manner in which the pupil ſhould be reaſoned with, in order not to depart from the method of education I have endeavoured to eſtabliſh. While no regard is paid to human authority, nor to national prejudices, the light of reaſon can lead us no farther in our inveſtigations than to the religion of nature; and to this I would have confined myſelf in the education of Emilius. If he ought to have another, I had no right in that to be his guide: it was his place to chuſe for himſelf *.

Where is the man, after this, impudent enough to accuſe me of having denied the authenticity of miracles; which is not even denied in this

* See Vol. V. p. 229.

this paper, nor in any other part of my writings†.

What! becauſe the author of a paper publiſhed by another perſon, introduces in it a reaſoner whom he diſapproves, and who, in a diſpute, rejects miracles; it muſt thence follow, truly, that not only the author of that paper, but the editor of it alſo, rejects miracles! What a heap of abſurdities! It is too common for ſuch preſumptions to be admitted in the heat of a literary diſpute; but are they to be taken for proofs in a court of judicature? This is a ſpecies of law enough to terrify a man of the greateſt reſolution and probity, who has the misfortune to live under the juriſdiction of ſuch magiſtrates.

The author of the profeſſion of faith propoſes his objections againſt the utility as well as the reality of miracles: but theſe objections are not negations. The ſtrongeſt thing he ſays on the head, is the following: "It is the unalterable "order of nature that beſt diſplays the ſupreme "Being. If to this there are many exceptions, "I can hardly tell what to think of it; and, "for my part, I believe too ſincerely in God, "to believe in ſo many miracles ſo little wor"thy of him."

Now, what does all this amount to? To this: That the great multiplicity of miracles renders them, in the opinion of the author, ſuſpicious: That he does not admit of all miracles indiſcriminately; and that his veneration for the Deity in-

† I have ſpoken of them in my Letter to the Archbiſhop of Paris: but no fault hath, it ſeems, been found with that Letter; nor is it on the contents of that Letter that the proceedings againſt me are founded; which were commenced before that Letter appeared. [ſ See Vol. X.]

induces him to reject all those which appear to be unworthy of him. What! does he who cannot admit of all miracles, necessarily reject all miracles? and must we believe in all the legendary prodigies transmitted us, in order to believe in the ascension of Christ?

To crown all; so far are the doubts contained in the second part of the profession of faith from being liable to be taken for negations, that, on the contrary, the very negations contained in it ought to be taken only for doubts. This the author declares at the very beginning, with regard to the sentiments he controverts. "Impute not (says he) any other authority to my "discourse than that of reason. I know not if "I am in an error. It is difficult, in discussions "of this kind, not to assume sometimes an af-"firmative manner; but you will remember, "that all my affirmations here are to be doubt-"ed †." Can a writer speak more positively?

As to myself, I find the facts attested in the holy Scriptures: this is enough to make me suspend my judgment in this point. If they were in any other book, I should either reject the facts, or should not give them the name of miracles; but because I find them in the Scripture, I do not reject them. At the same time I am as far from admitting them, because they appear contrary to reason, and my salvation is not interested in the determination. No judicious Christian can believe, that every thing contained in the Bible, even to the very words and typographical errors, must be inspired: all that we ought to believe inspired, is what relates to our duty; for to what purpose should God give the rest by

by

† See Vol. V. p. 187.

by inſpiration? Now the doctrine of miracles is not of this kind, as I have already proved. So that the opinion we may entertain of them, hath nothing to do with the veneration due to the holy Scriptures.

Beſides this, it is impoſſible, as I have alſo proved, for mankind to be aſſured, reſpecting any fact whatever, that it is a miracle †. Admitting, then, all the facts contained in the Bible, we may reject miracles without being either impious or inconſiſtent. Not that I have proceeded ſo far.

Thus do theſe Gentlemen deduce from miracles, which are not certain nor neceſſary, which prove nothing, and which I have not rejected, their pretended evidence that I endeavour to ſubvert the foundations of Chriſtianity and am not a Chriſtian.

It would tire you too much to enter with me into a like circumſtantial inquiry into the other accuſations which are heaped upon me, in order to cover, by their number, the injuſtice of each in partitcular. They accuſe me, for example, of rejecting prayer. But turn to my book, and you will find a prayer in the very paſſage in queſtion. The pious ſpeaker *, indeed, does not believe

† If theſe gentlemen ſay that this is determined in Scripture, and that I ought to acknowledge as a miracle every thing recorded there as ſuch; I anſwer, That this is the point in queſtion, and that by this argument they reaſon only in a circle. For if they would have miracles ſerve as a proof of revelation, they ought not to employ the authority of revelation to confirm the miracle.

* A certain Miniſter of Geneva, doubtleſs very ſtrict in his own ſyſtem of Chriſtianity by the judgment he paſſed on mine, affirms that I have ſaid, I John James Rouſſeau, that I never pray to God. He aſſerts it in expreſs terms, five or ſix

believe abſolutely neceſſary to aſk any thing of God in particular ‡. Not that he diſapproves of ſuch practice. As to myſelf, ſays he, I never do it, being perſuaded that God is a good father, who knows beſt what is proper for his children. But can we render him no other worſhip equally worthy of him? The homage of a zealous heart, adoration, praiſe, the contemplation of his greatneſs, the acknowledgment of our inſignificance, reſignation to his will, ſubmiſſion to his law, a pure and holy life; would not all theſe be as acceptable as intereſted and mercenary prayers? The beſt way to aſk any thing of a juſt God, is to deſerve it. Do the angels, who conſtantly ſurround his throne with their praiſes, ever pray to him? What have they to aſk of him? This word *prayer* is often employed in Scripture for *homage* or *adoration*. For my own part, I reject no method of honouring God, and

ſix times ſucceſſively, always mentioning me by name. I would pay all due reſpect to the church, but may I not venture to aſk him where I have ſaid this? It may be lawful for a man to waſte his time and paper in idle controverſy; but it is by no means conſiſtent with the character of a good Chriſtian to be a public calumniator.

‡ *When you pray*, ſaith Jeſus, *pray thus*. When we pray verbally, it is right to prefer the form thus preſcribed; but I do not ſee that any injunction is here laid on us to pray verbally. Another mode of prayer is preferable; that is, to be reſigned to whatever is the will of God. *I come, Lord, to do thy will.* Of all ſet forms of prayer, the Lord's Prayer is undoubtedly the moſt perfect; but an entire reſignation to the will of God is ſtill more perfect. *Not as I will, but as thou wilt.* What do I ſay? This is the Lord's Prayer itſelf; the whole of which is, in fact, contained in theſe words, *Thy will be done.* Every other prayer is ſuperfluous, and only contradicts this.

It is poſſible the man who thinks thus may be miſtaken; but certainly he who publicly accuſes him, on this account, of endeavouring to ſubvert Chriſtianity, and of not being a Chriſtian, can bevery little of a Chriſtian himſelf.

have always approved of our uniting with the church in prayer. I do it myſelf. The Savoyard prieſt did the ſame *. The paper which is ſo violently attacked, is full of all this. But no matter for that: it is ſaid, I reject the uſe of prayer, and ought to be burnt for impiety. Thus am I condemned.

I am farther charged with having accuſed the Chriſtian ſyſtem of morals, of rendering all our duties impracticable by carrying them to an exceſs. Now the Chriſtian ſyſtem of morals is that of the goſpel: I know of no other. It is in this ſenſe alſo underſtood by my accuſer; ſince it is from the imputations in which this is compriſed that he concludes, a few lines after, that I give the Goſpel the appellation of Divine by way of deriſion †.

But nothing can be more palpably falſe and diſingenuous than ſuch an accuſation; as, in the paſſage to which this accuſation relates, it is evidently impoſſible that I could mean to ſpeak of the goſpel. It is in the third volume of Emilius, and runs thus:

"In ſubjecting modeſt women only to theſe melancholy duties, every thing is baniſhed from a ſtate of matrimony which ſhould make it agreeable to the men. Is it to be wondered at, that the gloomy taciturnity they find at home ſhould drive them abroad, or that they ſhould be ſo little inclined to enter into ſo diſagreeable a ſtate! By carrying all its duties to an exceſs, Chriſtianity renders them impracticable and vain; by prohibiting married women the exerciſes of ſinging, dancing, and the other amuſements of the

* See Vol V. p. 222.

† Letters from the country, p. 11.

the world, they are made gloomy, querulous, and inſupportable in their own houſes."

But where doth the Goſpel forbid married women either to ſing or dance? Where hath it ſubjected them to none but gloomy and melancholy duties? On the contrary, it hath ſpoken of the duty of huſbands, but it ſays not a word about thoſe of the wives.

It is, therefore, injurious to repreſent me as ſaying that of the Goſpel, which I ſay only of the Janſeniſts, the Methodiſts, and other modern devotees; who make Chriſtianity a religion as unpleaſant and terrible *, as it is pleaſing and agreeable under the genuine law of Jeſus Chriſt.

I would by no means aſſume the tone of father Berreyer, whom I am not fond of, and think beſides to be in very bad taſte; but I cannot forbear ſaying, that one of the circumſtances which charms me moſt in the character of Jeſus, is not only the candour and ſimplicity of his manners, but the eaſe, the grace, and even the elegance of them. He neither avoided amuſements nor feaſts, but went to weddings, viſited women, played with children, uſed per-

 fumes,

* The primitive reformers ran at firſt into this exceſs, with a ſeverity that gave riſe to a number of hypocrites; in all which the Janſeniſts did not fail to imitate them. One Henry de la Marre, a miniſter of Geneva, maintained in the pulpit, that it was a ſin to go to a wedding more joyfully than Jeſus Chriſt went to his crucifixion. A certain Janſeniſt curate maintained, in like manner, that wedding-feaſts were the invention of the devil. Some of his auditors objecting that Jeſus Chriſt had nevertheleſs countenanced them by his own preſence, and that he had even condeſcended on ſuch an occaſion to work his firſt miracle in order to prolong the feaſt; he curate, a little embarraſſed, replied, grumbling, *Ah, well; that was not the beſt thing he did.*

fumes, and eat with publicans. His disciples fasted not, nor was his austerity troublesome. He was at once both just and indulgent; mild to the weak, and terrible to the wicked. His morality had something in it tender and attractive; he had a susceptible heart, and was a man of a very social turn. Had he not been the wisest of mortals, he still had been the most amiable.

Certain passages of St Paul, exaggerated and misunderstood, have made a number of fanatics; and these fanatics have often disfigured and disgraced Christianity. Had they confined themselves to the spirit of their great Master, this had never happened. Let them accuse me, if they will, of not being always of the opinion of St Paul: they may reduce me to the necessity of proving that I have sometimes reason on my side for dissenting from him. But it will not follow hence, that I called the Gospel *Divine* out of derision. Yet thus it is that my persecutors reason.

But I perceive that I have trespassed on your patience with these tedious circumstances; hoping your excuse, therefore, I put an end to them. I have already said more than is necessary for my defence; and am myself wearied with replying constantly by reasons, to accusations without reason.

LETTER IV.

The author supposes himself culpable, and considers the nature of the proceedings against him.

I HAVE shewn you, Sir, that the imputations de-

deduced from my books to prove that I have attacked the religion eſtabliſhed by law, are entirely falſe. It is on theſe imputations, however, that I have been judged culpable, and treated as ſuch. At preſent we will ſuppoſe that I was really ſo, and will inquire into the nature of the puniſhment due.

Ainſi que la vertu le vice a ſes degres.

A man is not guilty of every crime becauſe he is guilty of one. Juſtice conſiſts in adapting the penalty exactly to the fault; its extreme ſeverity being in itſelf an injury, when it pays no regard to thoſe reaſonable conſiderations which ought to moderate the rigour of the law.

The crime ſuppoſed real, it remains to inquire what is its nature, and what kind of proceeding your laws in ſuch a caſe preſcribe.

If I have violated my oath as a citizen, and as I am accuſed, I have committed a crime againſt the ſtate, and the cogniſance of this crime belongs directly to the Council. This is indiſputable.

But if all my crime conſiſts in my falling into an error in point of doctrine; ſuch error, even tho' it amounted to impiety, is quite a different thing. According to your edicts, it belongs to another tribunal to take cogniſance of it in the firſt inſtance.

And were my crime even a crime againſt the ſtate; yet if, in order to declare it ſuch, the point of doctrine were firſt neceſſary to be determined, it does not belong to the Council to make that determination. It belongs to the Council indeed to puniſh the crime, but not to aſcertain it. This is openly declared by your edicts, as will be ſhewn hereafter.

The queſtion is, firſt, Whether I have violated my oath in quality as citizen, that is, the oath which was taken by my anceſtors when they were admitted to the burgerſhip: for, as to my own part, having never reſided in the city, nor diſcharged any of the offices of citizen, I have never taken the oath. But to proceed.

In the form of the oath there are two articles only that affect my crime. According to the firſt, we engage *to live according to the reformation of the holy goſpel*; and by the laſt, *to ſuffer no practices, machinations, or attempts, againſt the reformation of the holy goſpel.*

Now ſo far have I been from infringing the firſt article, that I have conformed to it with a fidelity and even a ſeverity that hath few examples, openly profeſſing my religion even among the Catholics, although I formerly had been of their community. Nor can my ſeparation, the effect of the inconſiderateneſs of my youth, be looked upon as an infringement of my oath; eſpecialy ſince my authentic reunion to your church in the year 1754, and my re-eſtabliſhment in the rights of a citizen, a circumſtance well known at Geneva, and of which I have beſides poſitive proofs.

It can as little be ſaid that I have infringed this firſt article in writing the books which have been condemned, as I have never failed throughout to declare myſelf a Proteſtant. Beſides, there is a wide difference between a man's moral conduct and his writings. To live according to the reformation, is to profeſs the reformed religion, however a man may be miſtaken with regard to doctrinal points in his writings, or be guilty of other ſins, which are offenſive to the Deity,

Deity, but which do not in themſelves cut off the dilinquent from communion with the church. This diſtinction, were it otherwiſe diſputable, is indeed made in the oath itſelf; as two articles are made of what could make but one, if the profeſſion of a religion was incompatible with every enterprize againſt religion. By the firſt, we ſwear to live according to the reformation; and by the laſt to undertake nothing againſt the reformation.

Theſe two articles are very diſtinct, and even ſeparate from many others. In the ſenſe of the legiſlature, therefore, they are diſtinct and ſeparate; ſo that if I really had violated the laſt article, it does not follow that I have violated the firſt.

But have I violated the laſt?

The author of the Letters from the Country affirms that I have. Hear what he ſays, page 30.

"The oath of the citizens impoſes on them this obligation, *that they ſhall neither into, nor ſuffer to be entered into, any practices, machinations, or enterprizes, againſt the holy evangelical reformation.*" It ſeems, however, to be *a little* * tending toward ſuch practices and machinations againſt the reformation, to endeavour to prove, in two ſuch ſeductive performances, that the pure Goſpel is in itſelf abſurd and pernicious to ſociety. The Council, therefore, were obliged to take notice of a man againſt whom there were ſuch ſtrong preſumptions."

Let us firſt remark the great conſiſtency of theſe

* This *a little* is ſo pleaſant, and different from the grave and decent ſtyle of the reſt of the Letters, that it has been retrenched in the ſecond edition. I forbear to enquire on whoſe, or on what account.

theſe gentlemen. They ſeem to diſcover at a diſtance, ſomething *a little* tending to ſuch practices and machinations. On this diſtant ſeeming of a ſlight tendency, they proceed to take notice of the perſon who is preſumed to be the author; and this notice is an order for apprehending him.

It is true, the ſame author diverts himſelf a little afterwards, by endeavouring to prove, that it was out of pure goodneſs to me that they gave orders for my being apprehended. "The Council, ſays he, might ſummon Mr Rouſſeau to a perſonal appearance; they might have cited him to a hearing; they might have ordered him to be taken into cuſtody. Of theſe three methods, the laſt was incomparably the mildeſt; as it was in fact adverti ſing him not to return, if he did not chuſe to expoſe himſelf to the conſequence of a proſecution; or, if he did, to prepare himſelf for his defence,"

It was in the ſame pleaſant manner, according to Brantom, that the executioner of the unfortunate Don Carlos, Infant of Spain, addreſſed that Prince when he was going to ſtrangle him. "Huſh, huſh, my Lord, ſays he; why this noiſe and ſtruggling? all we are doing is for your Highneſs's good."

But what are theſe *practices* and *machinations* of which I ſtand accuſed? To be guilty of *practices*, if I underſtand my own language, is to carry on ſome ſecret intelligence: to be guilty of *machinations* is to take ſome ſilent and ſiniſter meaſures; it is to do that which ſome perſons have done both againſt Chriſtianity and me too. But I conceive nothing can be leſs ſecret in the world, than a man's publiſhing and ſetting

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ting and ſetting his name to a book. Whenever I declared my ſentiments on any ſubject, I have done it boldly, and in the face of the public. I have ſubſcribed my name, and remained tranquil in my retirement. It will not be eaſy to perſuade me that this reſembles any thing of *practices* and *machinations*.

To comprehend rightly the ſpirit of the oath, and the ſenſe of the terms, it is neceſſary to recur to the times in which the oath was drawn up, and in which it was eſſentially neceſſary for the ſtate to guard againſt falling under the double yoke it had juſt ſhaken off. At that time daily diſcoveries were made of ſome new deſign in favour of the houſe of Savoy and the epiſcopacy, under the pretext of religion. Now it is to thoſe deſigns that the words *practices* and *machinations* evidently relate; words, ſurely, that, ſince the French language exiſted, never before have been employed to ſignify the general notions which an author may advance in a book to which he has publicly ſet his name, without any particular project or object in view, or without regard to any ſtate or government. In this accuſation the author himſelf, indeed, appears ſo little in earneſt, that he acknowledges, in page 8. that *I faithfully diſcharge my duty as a citizen.* But how can this be, if I have broken the oath which I ſhould have kept in quality of ſuch?

It is not true, therefore, that I have broken this oath. To this I add, that if it were, nothing was ever more unexampled in matters of this kind, than the proceedings againſt me. There is perhaps not a ſingle citizen in Geneva who hath not broken this oath in ſome article

ticle or other *, without being in the leaſt cenſured for it, much leſs apprehended.

It can with as little juſtice be ſaid, that I have attacked morality, in a book, wherein I eſtabliſh to the utmoſt of my power the preference of the public good over that of the individual; and in which I make our duty towards man ariſe from our duty towards God; the only principle on which a ſyſtem of morality can be well founded, and prove any thing more than mere appearance. It cannot be pretended that the book in queſtion tends, in any ſhape, to diſturb the eſtabliſhed worſhip of the church, or the peace of the ſtate; as it inſiſts, on the contrary, on the reſpect which is due to eſtabliſhed forms, and a perfect obedience to the laws in every thing, even in matters of religion.

This terrible crime, then, about which ſuch a clamour hath been made, admitting it to be real, is reducible to a mere error in point of faith, which, if it be not advantageous to ſociety, is at leaſt very innocent and indifferent; the greateſt harm that can reſult from it, being univerſal toleration, and, of courſe, univerſal peace, both in church and ſtate.

But I aſk of you, Sir, who are acquainted with the nature of your government and laws, whoſe province it is to judge, particularly in the firſt inſtance, of the erroneous opinions of individuals in matters of faith; Does it belong to the Council, or to the Conſiſtory? This is the point to be determined.

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* Thus, for example, they engage never to leave the city, to to reſide elſewhere, without expreſs permiſſion. But who, of the many natives of Geneva, that reſide in foreign countries, ever thought of aſking this permiſſion?

It was neceſſary, firſt, to ſettle the nature and extent of the crime. This being known, we come now to compare the proceedings of the law againſt it.

Your edicts do not aſcertain the penalty inflicted on a man, who, being miſtaken in a point of faith, makes his error public. But by the eighty-eighth article of the eccleſiaſtical ordinance, in the chapter on the Conſiſtory, they regulate the order of proceeding againſt him who dogmatiſes. This article is couched in the following terms:

"If any perſon ſhould preſume to dogmatiſe againſt the doctrines received, let him be called to a conference: If he be willing to conform, let him be ſupported without ſcandal or defamation; if he be obſtinate, let him be admoniſhed ſometimes, in order to try to bring him back again. If at length it be neceſſary to proceed to greater ſeverity, let him be prohibited the communion, and let the magiſtrate be adverti ſed to provide for ſuch prohibition."

By this we ſee, *Firſt*, That the firſt inquiſition to be made of this ſpecies of crime belongs to the Conſiſtory.

Secondly, That the Legiſlature did not mean this crime to be unpardonable, if the perſon committing it ſhould repent of it and conform.

Thirdly, That it preſcribed the very means to be taken in order to bring back the criminal to his duty.

Fourthly, That theſe means are full of candour and tenderneſs; ſuch as it becomes Chriſtians to make uſe of, after the example of their great Maſter, with regard to all ſuch faults as do not diſturb the peace of ſociety, and are not eſſen-

eſſentially intereſting to the cauſe of religion.

Fifthly, That the laſt and greateſt penalty inflicted, is taken from the very nature of the crime, as it ought to be, in depriving the criminal of the holy communton and intercourſe with the church, which he has offended, and is ſtill diſpoſed to offend.

After all which, the Conſiſtory is to inform the magiſtrate, who ought then to take up the cauſe, becauſe the law admitting of but one religion in the ſtate, he who obſtinately perſeveres in profeſſing and teaching another, ought to be cut off from the ſtate.

The particular application of all the parts of that law may be ſeen in the form of the proſecution carried on in 1563 againſt John Morelli.

Morelli, who was an inhabitant of Geneva, had written and publiſhed a book, in which he attacked the diſcipline of the church; which book was cenſured at the ſynod of Orleans. The author complaining much againſt this cenſure, and being cited on the ſame account by the Conſiſtory of Geneva, he refuſed to appear, and left the city. After this, having obtained permiſſion of the magiſtracy to return, in order to make up the matter with the miniſters, he neither troubled himſelf to ſpeak to them, nor to appear before the Conſiſtory, till he was ſummoned anew. On his appearance, however, he refuſed to make any kind of ſatisfaction; ſo that, after long diſputes with him, he was cited to appear before the Council, to whom the cauſe was now referred. To the citation from the Council he again refuſed to pay any obedience; but ſent a written excuſe by his wife, and left the city.

He was then proceeded againſt at law, that is

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to ſay, his book was condemned: the ſentence paſſed on which occaſion being important and little known, I ſhall tranſcribe the whole, as I doubt not of its being of uſe.

" * We, the Syndics, judges of criminal cauſes in this city, having heard the report of the venerable Conſiſtory of the church, concerning the proceedings carried on againſt John Morelli, inhabitant thereof; and inaſmuch as he hath a ſecond time left this city, and, inſtead of appearing before us and our council when cited, was diſobedient and refractory: For theſe and other juſt cauſes moving us thereto, we the Syndics, compoſing a tribunal in the place of our anceſtors, and agreeable to our ancient cuſtoms, after due conſultation with our citizens, having God and his holy Scriptures before our eyes, and invoking his holy name to inſpire us with right judgment, do pronounce, In the name of the Father, the Son, and Holy Ghoſt, Amen, by this our definitive ſentence, which we here give in writing, we are induced, after mature deliberation, to proceed farther againſt the ſaid Morelli for contumacy; and above all to adviſe all thoſe whom it may concern, to beware of his book, that they are not miſled thereby. Being duly informed of the reveries and errors contained therein, and particularly that the ſaid book tends to create ſchiſms, troubles, and ſeditions, in the church; hence we have condemned and do condemn it, as a pernicious and dangerous book, having ordered, and ordering, by way of example, that one of them be publicly burnt. We forbid alſo all bookſellers to keep or expoſe it to

* Extract from the proceedings againſt John Morelli. Printed at Geneva, by Francis Perrin, 1563.

ſale; and all citizens, burghers, and inhabitants of this city, of what quality ſoever, to buy or have it to read; commanding all thoſe who are poſſeſſed of any copies of the ſaid book to bring them to us; and all ſuch as know where ſuch copies are, to inform us thereof, within twenty-four hours, under pain of being ſeverely puniſhed.

"And we hereby command you, our lieutenant, to ſee that this our ſentence be carried into execution."

Pronounced and executed, Thurſday, Sept. 16, 1563.

Signed, P. CHENELAT."

You will find room, Sir, for making more kind of obſervations than one, in proper time and place, on this piece. At preſent let us not loſe ſight of the object in view. Such was the manner of proceeding againſt Morelli, whoſe book was not burned till the end of the proceſs, and whoſe perſon was not apprehended; nor was he threatened with the executioner and corporal puniſhment, notwithſtanding he was obſtinate and contumacious.

It is well known in how different a manner the Council proceeded againſt me, the moment my book appeared, and without waiting for the advice of the Conſiſtory. The book was received by the poſt, read, examined, ſentenced, burnt, and myſelf ordered to be apprehended, all within the ſpace of eight or ten days. A more expeditious proſecution can hardly be conceived.

I ſuppoſe myſelf here in the caſe intended by the law, the only caſe in which I can be puniſhable. For otherwiſe, by what authority am I

to

to be punished for faults that injure nobody, and for which the laws have inflicted no penalty.

Has the edict been strictly observed, then, in this affair? I am convinced that every person of common sense, who gives himself the trouble to inquire into the matter, will think it has been violated in every particular. The Remonstrants in my favour particularly observe, that "the Sieur Rousseau was not called before the Consistory; but that the Magnificent Council proceeded in the first instance against him: that he ought to have been *supported without scandal*; whereas his writings have been treated, in a public decree, as *rash*, *impious*, and *scandalous*: he ought to have been *supported without defamation*; but he has been used in the most defamatory manner, his two books having been torn and burnt by the hands of the common hangman.

"The Edict, therefore, continue these Remonstrants, hath not been observed, either with regard to the point of jurisdiction, which belongs to the Consistory, or with regard to Mr. Rousseau, who ought to have been supported without scandal or defamation, to have been admonished, and who could not have been legally condemned but in case of obstinacy.

All this appears, doubtless, as clear as the sun to you as well as to me. But what then? You shall see how these people, who know how to make the sun appear at midnight, strive to hide it at noon-day.

It is the usual trick of sophists to heap one argument upon another, in order to cover the separate weakness of each. To avoid repetitions, and lose no time, let us separate those which are

contained in the Letters written from the Country. Let us confine ourſelves alſo to the moſt eſſential; laying aſide ſuch as I have already refuted; and, that we may not miſrepreſent them, let us make uſe of the very words of the author.

It is with reſpect to our laws, ſays he, *that I ought to examine the proceedings againſt Mr. Rouſſeau.* Very well: Let us ſee.

The firſt article of the citizen's oath obliges him to live according to the reformation of the holy Goſpel. Now I aſk, If a man who writes againſt the Goſpel, can be ſaid to live according to the Goſpel?

Firſt ſophiſm. In order to ſee clearly whether or no I ſtand in this predicament, place the word *reformation* in the minor of the ſyllogiſm, which the author hath omitted, and which is neceſſary to make the writer's argument at all concluſive.

Second ſophiſm. The article of the oath abovementioned ſays nothing about writing according to the reformation, but living according to the reformation. Theſe two things, as we have before ſhewn, are diſtinguiſhed in the oath itſelf; and it hath been already ſhewn, that I have written neither againſt the reformation nor againſt the Goſpel.

The chief duty of the Syndics and the Council, is to maintain the true religion.

Third ſophiſm. It is doubtleſs their duty to maintain the true religion, but not to take upon them to determine what is or is not the true religion. The ſovereign legiſlature hath charged them with the care of preſerving the true religion. But it hath not therefore appointed them the

the judges of its doctrines. This office belongs to another body, which ought to be conſulted in all matters relative to religion, as hath been hitherto always done ever ſince your government exiſted. In criminal caſes of this nature, two tribunals are concerned, the one to aſcertain the fact, and the other to puniſh it. This is evident from the expreſs terms of the ordinance. But to return to this afterwards.

They purſue the imputations already examined; which for that reaſon I ſhall not repeat; but I cannot forbear tranſcribing here the laſt article, as it is extremely curious.

It is true that Mr. Rouſſeau and his partizans pretend their doubts do not really attack Chriſtianity, which he even continues to call Divine. But if a book characteriſed, as the Goſpel is in the works of Mr. Rouſſeau, may yet be called Divine, I ſhould be glad to know what new ſenſe he hath applied to that epithet. If it be really a contradiction, it is a very groſs one: if a piece of pleaſantry only, you muſt own it is very improper on ſuch a ſubject.

I underſtand it is meant by all this to inſinuate, that the ſpiritual worſhip of God, purity of heart, works of compaſſion, humility, reſignation, toleration, forgetting of injuries, forgiveneſs of enemies, love of one's neighbour, univerſal brotherhood, and the union of mankind by the bonds of Chriſtian charity, are all inventions of the devil. But is this the opinion of the author and his friends?

If it be really a contradiction, it is a groſs one. If a piece of pleaſantry, it is very improper on ſuch a ſubject.

It may be added, however, that pleaſantry on

ſuch a ſubject ſeems ſo mighty agreeable to the taſte of theſe gentlemen, that, according to their own maxims, it ought to have obtained me ſome favour of them.

After the expoſition of my crimes, let us attend to the reaſons given for their proceeding to the utmoſt rigour of the law with the criminal.

Theſe two books appeared under the name of a Citizen of Geneva. All Europe was ſcandalized at it. The firſt parliament of a neighbouring kingdom proſecuted Emilius and its author. What ought the government of Geneva to do?

Let us here ſtop a moment; as I think I perceive ſome falſehood in the aſſertion.

According to this author, the offence taken by all Europe, obliged the Council of Geneva to proceed againſt the book, and the author of Emilius, after the example of the Parliament of Paris. But, on the contrary, it was the decrees of theſe two tribunals which gave offence, and cauſed ſuch ſcandal to all Europe. The book had been publiſhed at Paris but a few days before the Parliament condemned it *: it had not appeared in any other country, not even in Holland, where it was printed. And there was but an interval of nine days between the decree of the Parliament of Paris and that of the Council of Geneva †; little more than time enough for the latter to hear of what was done by the former. The terrible clamour which was raiſed in Switzerland on this affair, my expulſion from the houſe of my friend, the attempts made at Neuf-

* Meaſures were abſolutely taken to this end before the book appeared.

† The Decree of the Parliament of Paris paſſed the 9th of June, and that of the Council of Geneva the 19th.

Neufchatel, and even at the court of Berlin, to deprive me of my laſt aſylum; all this came from Geneva and its neighbourhood, after the decree. It is well known who were the inſtigators, and the emiſſaries; their activity was indeed unexampled. It was not their fault that I was not refuſed the common benefits of water and air throughout every country in Europe; that I had not even the earth for my bed, or a ſtone for my pillow. Let us not tranſpoſe things thus out of their proper order, and impute, as a motive to the decree of the Council of Geneva, the ſcandal, which was only the effect of it.

The firſt Parliament of a neighbouring kingdom, it is ſaid, proſecuted Emilius and its author. What then ſhould the government of Geneva do?

The anſwer is ready and ſimple. It ſhould have done nothing; it ought to have done nothing, or rather it ought not to have done any thing. As it was, it reverſed all order of law; braving the Parliament of Paris, and diſputing its juriſdiction, by imitating its behaviour. For the very reaſon that I was proſecuted at Paris, I ought not to have been proſecuted at Geneva. The fault of a criminal is certainly confined to place, and to one place only: He cannot be guilty at once of the ſame crime in two different countries, any more than he can be in two places at one and the ſame time; for if he would clear himſelf of the two proſecutions, how could he poſſibly divide himſelf? In fact, have you ever heard of a man being proſecuted in two different countries, at one time, for one and the ſame fact? This is certainly the firſt example, and in all probability will be the laſt. Amidſt

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all my misfortunes I have the melancholy honour of being in every reſpect a ſingular example.

The moſt atrocious crimes, even aſſaſſinations and murders, are not, nor ought to be, adjudged by other tribunals than thoſe of the countries where thoſe crimes were committed. If a Genevan ſhould kill a man, though another Genevan, in a foreign country, the Council of Geneva could not take cogniſance of the crime. They might deliver up the criminal, indeed, if he were claimed; they might even ſolicit his puniſhment: but unleſs ſuch foreign power ſhould voluntarily transfer the deciſion of the cauſe to them, with the proceedings therein, they could not take upon them to judge of it; becauſe it does not belong to them to take cogniſance of crimes committed under the juriſdiction of other ſtates, nor can it even order the informations neceſſary to aſcertain the fact. Such is the rule, and ſuch therefore is the anſwer to the queſtion, *What ſhould the government of Geneva have done?* Theſe are the moſt plain and ſimple notions of public law; of which it would be ſcandalous for the loweſt magiſtrate to be ignorant. Muſt I always inſtruct my judges thus, at my own coſt, in the common elements of juriſprudence?

The remonſtrants in my favour ſay, That *the Council ought to have confined themſelves to a mere proviſional prohibition of my book's being ſold in their city* *. This is, in fact, all they could legally do to gratify their animoſity. This is what they had before done with regard to my *Eloiſa*; but ſeeing that the Parliament of Paris took no ſuch ſtep, they ſeemed aſhamed of their pro-

* See page 12. of their Remonſtrances.

prohibition, and gently withdrew it †. *But may not ſo feeble a mark of diſapprobation be looked upon as a ſecret connivance?* The Council of Geneva, however, may have been juſtly taxed long ſince with ſuch ſecret connivance in regard to books much leſs to be tolerated. It is ſaid, *Nobody can take offence at the moderation made uſe of towards me.* The voice of the public may inform you what offence is taken at the contrary. *To ſay the truth, if the affair had related to a man as diſagreeable to the public as Mr. Rouſſeau is eſtimable, what is now called moderation, would have been called indifference, or unpardonable coldneſs.* I ſee no great matter in this; but it is certain the public do not call the ſeverity practiſed againſt me and my writings, or the countenance given to my adverſaries, by ſuch mild appellations.

Carrying on the ſuppoſition of my being culpable, let us ſuppoſe farther, that the Council of Geneva had a right to puniſh me; that they had taken no ſtep but what was conformable to law; and that nevertheleſs, without even cenſuring my books, they had received me peaceably on my arrival from Paris; what would the honeſt and ſenſible part of the people have ſaid to it? They would have ſaid thus:

"The Council have winked at this affair; they ought to do ſo. For what could they do? To have proceeded with ſeverity on this occaſion would have been barbarous, ungrateful, and even unjuſt, as real juſtice compenſates evil with good.

† It muſt be owned, that if Emilius ought to be prohibited, Eloiſa at leaſt ought to be burned; the Notes in parcular being much bolder than any thing contained in the Vicar's Creed.

good. The criminal hath been very fond of his country, and hath deſerved well of it: he hath done it honour in the eyes of all Europe; and, while his fellow-countrymen have been aſhamed of the name of Genevan, hath made it his glory. He hath heretofore given it good advice, and is deſirous of the public good. At preſent, indeed, he is miſtaken, but he is certainly pardonable. He hath beſtowed the higheſt encomiums on our magiſtrates, in order to obtain them the love and confidence of the citizens: he hath defended the religious character of our clergy, and certainly deſerves ſome return from all. With what face could they dare to proſecute, for a few errors, the defender of the Deity, the apologiſt for a religion ſo generally attacked, when they tolerate and even approve the moſt odious, indecent, and inſolent writings againſt Chriſtianity and good manners; the moſt deſtructive to all virtue and morality, even thoſe which Mr. Rouſſeau thought it his duty to refute. People would have inquired into the ſecret motives of ſo groſs a partiality; and they would have found them in the zeal of the accuſed for the cauſe of liberty, and in the project of his judges for deſtroying it. Rouſſeau would have been deemed a martyr to the laws of his country. His perſecutors, in aſſuming the maſk of hypocriſy on the occaſion, would be charged with making a tool of religion, and uſing it only as an inſtrument of their vengeance. In ſhort, by their earneſtneſs to puniſh a man, whoſe greateſt crime is the love of his country, they would only have rendered themſelves odious in the eyes of all honeſt people, ſuſpected by the citizens, and contemptible to foreigners."

This,

This, Sir, is what might have been ſaid; and this is all the riſk the Council would have run in abſtaining from taking notice of my ſuppoſed crime.

A certain perſon was in the right, when he ſaid it was neceſſary either to burn the Goſpel or the Works of Mr. Rouſſeau.

This is the method theſe gentlemen commonly take with me. If they want proof, they multiply aſſertions; and if they want witneſſes, they talk of nobody knows who.

The above pretended ſaying hath but one meaning that is not quite extravagant; and this meaning is blaſphemous. For is it not blaſphemy to ſuppoſe the Goſpel and my Works ſo alike in their maxims, that they may reciprocally be ſubſtituted for each other; and that either of them indifferently may be burnt without loſs, provided we keep the other? It is certain I have followed the doctrines of the Goſpel as cloſe as poſſible: I admire them; I adopted, illuſtrated, and explained them, without heſitating at obſcurities, difficulties, or myſteries, to deviate from what was eſſential. I was attached to them with my whole heart; and beheld them with indignation profaned and debaſed by our pretended Chriſtians, and particularly by thoſe who profeſs to inſtruct us in them. I dare venture to believe, and to make it my boaſt, that not one of them hath ſpoken more highly of genuine Chriſtianity and its Author than myſelf. I may appeal to the applauſe of my very adverſaries, in proof of this aſſertion; not indeed thoſe of Geneva; but of thoſe whoſe enmity doth not riſe into phrenzy, and whom paſſion hath not totally diveſted of reaſon.

reaſon. This is certainly true; and this is proved, as well by my anſwer to the king of Poland, as by my Letter to Mr. d'Alembert, by Eloiſa, Emilius, and all my writings; which breathe the ſame love for the Goſpel, the ſame veneration for Jeſus Chriſt. But does it follow that I can in any degree approach my ſublime Maſter, or that my books may be ſubſtituted in the place of his inſtructions? I deteſt and diſavow ſuch a ſuggeſtion as falſe, abſurd, abominable, and blaſphemous. No writings whatever can be compared to the Goſpel. But its ſublime ſimplicity is not adapted to all capacities. Its dictates frequently require to be placed in different lights; that ſacred book ſhould be preſerved as the text of the Maſter, and mine as the commentary of the ſcholar.

I have hitherto treated the queſtion in a manner ſomewhat general. Let us now proceed more particularly to facts, and compare the proceedings of the year 1563 with thoſe of 1762, and the reaſons given for their difference. As this is the deciſive point of the diſpute with regard to myſelf, I cannot, without neglecting my cauſe, forbear troubling you with circumſtances that may in themſelves be tedious, but which are in many reſpects intereſting both to to you and to your fellow-citizens. This will form another diſcuſſion, the thread of which ought not to be broken, and which will of itſelf form a long letter. But be not diſcouraged, Sir; this will be the laſt of the kind I ſhall furniſh for your entertainment.

LET-

LETTER V.

Continuation of the ſame ſubject. A method of juriſprudence deduced from the proceedings in like caſes. The deſign of the author in publiſhing his profeſſion of faith.

THE author of the *Letters from the Country* having eſtabliſhed, as you have already ſeen, the neceſſity of carrying on a proſecution againſt me; goes on, as I am going to ſhew you, to prove, that the proceedings carried on againſt John Morelli, although exactly conformable to the ordinances, and in a caſe ſimilar to mine, was not an example to be followed in the proceedings againſt me: becauſe, firſt, the Council, being above the ordinances, is not obliged to conform to them; and that beſides, my crime being much greater than that of Morelli, ought to be puniſhed more ſeverely. To theſe reaſons the author adds, It is not true that I was condemned unheard; that it was ſufficient to hear the book itſelf, the cenſure of which did not in any ſhape fall upon the author; and that, in ſhort, the writings which the Council are reproached with tolerating, are innocent and harmleſs in compariſon of mine.

As to the firſt article, you will perhaps hardly believe it poſſible any body ſhould preſume to ſet the petty Council above the laws. I know of no other way to convince you than to tranſcribe the paſſage in which this principle is laid down; and of which that I may not hurt the ſenſe by mutilation, I ſhall tranſcribe the whole.

" Did the ordinances mean to tie the hands of the civil power, and oblige it not to ſuppreſs any outrage committed againſt religion till after the Conſiſtory had taken cogniſance of it? If ſo, any one might write with impunity againſt religion, as the government would not have it in its power to ſuppreſs ſuch licentiouſneſs, or to cenſure a book of any kind: for as the ordinance requires the delinquent to appear firſt before the Conſiſtory, it alſo ſays, that if *he is willing to conform, he is to be ſupported without defamation.* Thus whatever outrage or inſult he may have committed againſt religion, the accuſed hath nothing more to do than to conform in order to eſcape puniſhment; and he who may have defamed religion over the face of the whole earth, may, by a pretended conformity, be excuſed without ſuffering defamation. Thoſe who know the ſeverity of the times in which our ordinances were compiled, will hardly believe the LXXXVIIIth article had any ſuch meaning.

" What if the Conſiſtory ſhould not act at all? Is its inactivity to reſtrain the council from acting? Or muſt it be reduced to act the part of an informer to the Conſiſtory? This can never be the ſpirit of the ordinances; which, after having eſtabliſhed the duty and the power of the Conſiſtory, conclude with ſaying, that the civil power ſtill reſts entirely and without ſuffering any derogation from its authority, nor from its proceedings in the ordinary courſe of juſtice by any eccleſiaſtical remonſtrances. The ordinances, therefore, do not ſuppoſe, as the Remonſtrants pretend, that the miniſters of the goſpel are the more proper and natural judges of this matter than the Council of ſtate. Every thing

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that regards authority in matters of religion, is derived from the authority of the government. This is the principle of Proteſtants, and partilarly that of our conſtitution, which, in all caſes of diſpute about religious tenets, inveſts the Councils with the right of deciſion."

You ſee, Sir, in the laſt lines, the principle on which is ſounded that which precedes them. Thus to proceed in our examination according to order, it is proper to begin at the end.

Every thing that regards authority in matters of religion, is derived from the authority of government.

There is an equivocation couched under this word *government*, which it is very neceſſary to explain. I adviſe you, if you have any regard for the conſtitution of your country, to be attentive to the diſtinction I am going to make: you will preſently ſee its utility.

The word *government* has not the ſame meaning in all countries, becauſe the conſtitutions of different ſtates are not every where the ſame.

In monarchies, where the executive power is joined to the exerciſe of the legiſlative, or the ſovereignty, the government is no other than the Sovereign himſelf, acting by his miniſters, by his council, or by other political bodies depending on his will. In republics, particularly in democracies, in which the ſovereign never acts immediately by himſelf, the caſe is different. The government is there only the executive part, and is abſolutely diſtinct from the ſovereignty.

This diſtinction is very important in theſe matters.

To have a clear and preciſe idea of it, howe-

the very ſtate in which the Conſiſtory ought to have ſet this proceeding before it was brought before the Council. This is a concluſion directly contrary to that which the author would deduce from it.

But obſerve in what manner he hath attacked the ordinances in his inferences, without daring to do it in direct terms.

" Could the Ordinance intend to tie up the " hands of the civil power, and prevent its " ſuppreſſing any outrage committed againſt re- " ligion, till after the Conſiſtory had taken cog- " niſance of it? Were this the caſe, it would " follow, that any one might write with im- " punity againſt religion; as the accuſed, un- " der the appearance of ſubmiſſion, might al- " ways find means to eſcape; and the perſon " who had traduced the cauſe of religion " throughout the whole world, might avoid " the infamy of it by means of a fictitious re- " pentance."

It is to prevent this terrible misfortune, this ſcandalous impunity, that the author would not have the law obſerved ſtrictly according to the letter. Sixteen pages after, the ſame writer hath the following paſſage.

" Politics and philoſophy may ſtand up for " this liberty of writing any thing, but our laws " are againſt it. Now the point to be deter- " mined is, Whether the judgment paſſed by " the Council on the Works of M. Rouſſeau, " and the decree iſſued out againſt his perſon, " be contrary to our laws; and not to determine " whether or not it be conformable to philoſo- " phy or politics."

Again, this author, admitting that the con-

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demnation of a book does not deſtroy the force of its arguments, but may make them more known, and give them a greater degree of celebrity, adds, that "In this reſpect his max-"ims are conformable to thoſe of the remon-"ſtrators; but that ſuch maxims nevertheleſs "are not thoſe of our laws."

Putting theſe paſſages together, I find their meaning to be nearly as follows.

"Although philoſophy, polity, and reaſon, may ſtand up for the liberty of writing any thing, this liberty ought to be puniſhed in our ſtate, becauſe it is forbidden by our laws. But our laws ought not, however, to be obſerved ſtrictly according to the letter; becauſe in that caſe ſuch liberty would not be puniſhed."

To confeſs the truth, I perceive ſuch a ſtrange confuſion in this writer's arguments as ſhocks me, and yet he appears to be a man of genius and underſtanding. Thus I am almoſt tempted to believe, that I have fallen into ſome error in this retroſpect, without my being able to conceive in what particular. Compare yourſelf, therefore, pages 18, 25, and 32, of the *Letters from the Mountains*, and ſee if I am right or wrong.

Be this, however, as it may; until the author ſhall pleaſe to point out the other laws by which the precepts of philoſophy and politics are contraverted, we ſhall proceed in our examination of his objections againſt this.

In the firſt place, the magiſtrate in a republican ſtate, is ſo far from being permitted to extend the law for fear of letting crimes go unpuniſhed, that he is not even permitted to extend it to crimes againſt which it is not formal-

ly and expreſsly intended. It is well known how many criminals eſcape puniſhment in England, under favour of the ſmalleſt and ſubtileſt diſtinction in the forms of law. *Whoever is more ſevere than the laws* (ſays Vauvenargue,) *is a tyrant* *.

But let us ſee if the conſequence of impunity in ſuch affairs as theſe, is ſo terrible as the author of the Letters has repreſented it.

In order to judge rightly of the ſpirit of the law, it is neceſſary to recollect this great principle, *viz.* that the beſt penal laws are thoſe which deduce the puniſhments inflicted on crimes from the nature of the crimes themſelves. Thus aſſaſſins ought to be puniſhed with death; robbers by the loſs of their property, or, if they have no property, by the loſs of their liberty, the only property left them. In like manner, with regard to crimes committed againſt religion, the puniſhments ought to be entirely deduced from religion: Such, for example, is the deprivation of giving teſtimony on oath; ſuch alſo is excommunication, preſcribed here as the greateſt penalty that can be inflicted on thoſe who write againſt religion; always excepting, however, an appeal to the civil magiſtrate for the civil puniſhment due to the crime as far as it is civil.

Now

* As at Geneva there are no penal laws properly ſo called, the puniſhment of crimes is arbitrary, and left to the determination of the magiſtrates; which is certainly a great defect in the legiſlature, and an enormous abuſe in a free ſtate. But then this authority of the magiſtrate extends only to crimes againſt the law of nature, acknowledged to be ſuch in every ſociety, or to ſuch things as are expreſsly forbidden by any poſitive law. It does not go ſo far as to the invention of imaginary crimes, nor to any crime whatever, ſo far as to ſubvert the order of proceeding, as ſettled by law, for fear the criminal ſhould eſcape.

Now it is to be remembered that the Ordinance, as well as the Letter-writer and myſelf, ſpeak here only of a ſimple offence againſt religion. If the crime were complicated; as, for inſtance, if I had printed my book in the territory of the ſtate without permiſſion; it is inconteſtable, that my being acquitted by the Conſiſtory would not acquit me before the magiſtrate.

This diſtinction being made, I recur to the argument, and ſay, there is this difference between crimes againſt religion and civil crimes, That the laſt offer to mankind or to the laws a real inſult or injury, for which the public ſecurity neceſſarily requires reparation and puniſhment; whereas the former are merely offences committed againſt the Deity, whom nothing can injure, and who is ready to forgive thoſe who are penitent. When the Deity is appeaſed, no crime remains to be puniſhed, except that of the ſcandal; and this is repaired by making the penitence as public as may have been the crime. Chriſtian charity would thus imitate divine clemency, and it muſt certainly be deemed abſurd and inconſiſtent to avenge the cauſe of religion by a ſeverity which religion diſapproves. I confeſs that human juſtice has not, nor ought to have, any regard to repentance; but here we ſee the very reaſon why, in a ſpecies of crime which penitence may atone for, the Ordinance preſcribes ſuch meaſures that the civil tribunal ſhall not firſt take cogniſance of it.

The terrible inconvenience, therefore, which the author affects to find, in leaving the crimes againſt religion unpuniſhed by the civil power, has not that reality which he is pleaſed to im-

pute to it; while the conſequence which he deduces from it to prove that ſuch is not the ſpirit of the laws, is not juſt, but contrary to the expreſs terms of the law.

He adds, *that whatever may be the crime committed againſt religion, the accuſed may, by appearing to ſubmit, always be ſure to eſcape.* But the ordinance does not ſay, by *appearing* to ſubmit, but by actually ſubmitting; and there are means as certain in this caſe, as can be had in any other, to diſtinguiſh between reality and appearance; particularly with regard to exterior effects, which is all that is comprehended under the word *ſubmiſſion.*

If the delinquent ſhould relapſe after ſubmiſſion, he commits a new and aggravated crime, and deſerves a more rigorous puniſhment; the means of bringing him back to his duty becoming of courſe more ſevere. The Council may in ſuch a caſe adopt the judicial forms of the inquiſition: but if the author of the Letters ſhould think thoſe too mild, he ought at leaſt to make ſome diſtinction; for it is certainly unjuſt to treat the delinquent, for fear he ſhould relapſe, in the ſame manner as if he had already relapſed.

It is on theſe falſe concluſions, however, that the author ventures to affirm, that the edict hath no other object in view, by this article, than to regulate the procedure and aſcertain the juriſdiction of the tribunals. What then is the purport of this edict, according to him? It is certainly this: It meant to prevent the Conſiſtory from proſecuting perſons, to whom ſuch things are imputed as they have not ſaid, or whoſe miſdeeds have been exaggerated; to prevent, I ſay, their

their profecuting ſuch people before they had firſt conferred with them, and endeavoured to reclaim them. But what is the proſecution on the part of the Conſiſtory? It is nothing more than the excommunication and referring of them to the Council. So that, for fear the Conſiſtory ſhould turn over the delinquent too eaſily to the Council, the edict delivers him to the Council in the firſt inſtance! This is certainly a precaution of a new and ſingular kind. It is admirable that the law takes ſuch pains in this caſe, to prevent the Conſiſtory's precipitate proſecutions, and yet ſhould take none to prevent the like precipitancy in the Council; that it ſhould be ſo ſcrupulouſly intent to prevent defamation, and that it ſhould take no manner of care to prevent puniſhment; that it ſhould provide ſo many ways againſt a man's being undeſervedly excommunicated, and that it ſhould not provide at all againſt his being undeſervedly burnt at the ſtake; that it ſhould be ſo very apprehenſive of the ſeverity of our miniſters, and not at all of that of our judges! It was aſſuredly very proper to ſet ſuch ſtore by the communion of the faithful; but it was by no means proper to make ſo light of their ſecurity, liberty, and life. At the ſame time, that religion, which allowed ſo little indulgence to its protectors, ought not to have allowed ſo much to the cruelty of its avengers.

Such, according to our author, is the very ſolid reaſon why the ordinance did not mean to ſay, what it really hath ſaid: the bare mention of which is a ſufficient reply to it. We ſhall proceed, therefore, to his application; which we ſhall find to be no leſs curious than his conſtruction.

The

The LXXXVIIIth article relates to perſons who dogmatiſe, teach, and inſtruct. It does not ſpeak a word of a mere author, who does nothing more than publiſh a book; about which he troubles himſelf no farther. To ſay the truth, this diſtinction appears to me a little too refined; for, as the Remonſtrators very juſtly obſerve, a man may dogmatiſe as well by means of his pen as his tongue. But admitting this refinement, we ſhall find the diſtinction tends rather to mitigate the law, than to aggravate its ſeverity.

In all ſtates, the police watches very carefully over all thoſe who inſtruct, teach, and dogmatiſe; permitting theſe functions to be exerciſed only by perſons properly authoriſed. It is not lawful for a man to preach orthodox doctrines, unleſs he be legally admitted as a preacher. The blind populace are eaſily deceived; while the dogmatiſt may attract them in crowds, and lead them on by degrees to tumults and inſurrections. The ſlighteſt enterpriſe of this kind is always conſidered as a criminal attempt, on account of the conſequences with which it may be followed.

This is not the caſe with reſpect to an author: if he offers us his inſtructions, at leaſt he attracts not a multitude, raiſes no tumults, compels nobody to hear or read his book; he ſeeks for no man, and comes not, without being ſent for; he leaves you to reflect on what he has ſaid; he diſputes not, is neither angry nor obſtinate, removes no doubts, anſwers no objections, intrudes not on you; when you chuſe retirement, he withdraws; and, what is moſt to the purpoſe, never ſpeaks in public.

Thus,

Thus, the publication of a book was not held in the ſame light by any government, as the ſiniſter practices of the dogmatiſts. There are even countries where the preſs enjoys an entire liberty; but I know of none that admit any perſon to teach indifferently. In thoſe places where the laws prohibit printing without licence, the refractory are ſometimes puniſhed. But the remiſſneſs of thoſe in power, by ſuffering the ſame books to be imported, ſhews, that they regard not a book as a matter of conſequence; and that the fear only of being thought to approve of the maxims therein contained, has prevented their publication.

This is fact, eſpecially with reſpect to books which, like mine, were never intended for the vulgar. I know, your advocate affirms, in his anſwers, that *it is manifeſt, from the deſign of the author, that Emilius was intended as an inſtruction to parents* *. But that aſſertion is no excuſe; as I have plainly ſhewn in the Preface, and in ſeveral parts of the book, that it was meant for a purpoſe very different. It treats of a new method of education, the plan of which is ſubmitted to the judgment of the learned in general, without any regard to parents, whom I had not at all in contemplation. If, by a figure common enough, I ſeemed to addreſs them in particular, it was in order to make myſelf better underſtood, or that I might expreſs my meaning in fewer words. I admit, it was at the earneſt requeſt of a lady, who is herſelf a mother, that I engaged in the work. But that mother, though young and beautiful, is ſo much a philoſopher,

* Pages 22. and 23. of the printed Repreſentations.

as to have a perfect knowledge of the human heart. In perſon ſhe is an ornament, in underſtanding an exception, to the ſex. It was for perſons of her character I took up the pen; not for reptiles of that ſtamp, who can read without underſtanding me, and who abuſe me without incurring my diſpleaſure.

The reſult of the diſtinction ſuppoſes, that if the method of proceeding againſt the dogmatiſt is no way applicable to an author, it is becauſe its ſeverity exceeds any crime of which the latter might be thought guilty. This conſequence, however natural, and which you and every reader may draw, ſurely, as well as I, is quite different from the inference of the Letter-writer. I ſhall give you his own words, tho' I am apprehenſive of loſing all my credit when I come to ſpeak after him.

"It is evident to any perſon who reads that "article of the regulation, that it was merely "intended to reſtrain ſuch as by their ſeditious "harangues propagate principles dangerous to "ſociety. *If they ſubmit*, ſays the ordinance, "*let them be ſupported and protected, without* "*impeachment of their reputation.* Why ſo? "Becauſe we have then a reaſonable ſecurity "that they will no longer ſow tares among the "wheat, and that they are to be no more dread-"ed. But where is the uſe of a recantation, "real or feigned, when the ſeditious author has "ſtamped indelible impreſſions, and ſcattered "the poiſon of his opinions throughout the u-"niverſe? the guilt is complete; it will always "remain, and is, in the eye of law, exactly of "a piece with other crimes, the repentance of

"which

" which avails nothing when juſtice has once " taken cogniſance of them."

Here is ſufficient to raiſe our indignation; but let us drop all animoſity, and calmly reaſon on the ſubject. So long as a man dogmatiſes, he does evil continually; and is to be feared, till he ſubmits and acknowledges his fault. His very liberty is pernicious, as he employs it to the worſt of purpoſes; and though he may at laſt be reclaimed, yet the doctrines he has ſpread are for ever fixed, and the guilt brought to its higheſt conſummation. On the contrary, when a book is publiſhed, the miſchief done by the author ceaſes, and devolves on his writings. Whether the author be in priſon, or at liberty, the book goes on its circuit: and though the puniſhment inflicted on him may be a juſt ſentence of the law, yet it will never prove a remedy for what is paſt, or ſtop the evil of its future progreſs.

Thus the method of cure, proper for both theſe maladies, is entirely different. The ſureſt means of draining the ſource from whence the miſchiefs of the dogmatiſt flow, are to arreſt him directly: but to treat the author in the ſame manner, would anſwer no wiſe end; on the contrary, it would but increaſe the evil, by rendering his book more popular, and conſequently make bad worſe, as the Letter-writer ſomewhere expreſſes it. Therefore this method of proceeding is highly improper, the precaution in this caſe being needleſs, and quite inconſiſtent with the ſubject. It is a penalty that ſhould only be inflicted after trial and condemnation, and which ſerves no purpoſe but the mere puniſhment of the offender. Though the

crime

crime ſhould not be even of a civil nature, yet we ought to begin by reaſoning with him. We ſhould convince, and exhort him to make reparation; to abjure, in the moſt public manner, the erroneous opinions he had propagated, and ſo readily, as that his laſt ſentiments might reinſtate thoſe in their orthodoxy, whom his former doctrine and principles had ſo fatally corrupted. If, inſtead of complying, he ſhould continue his heretical contumacy; then, and only then, we ought to apply corroſives, when gentler methods have failed in their effect. If ſuch methods were purſued, we ſhould certainly find them anſwered by ſuitable returns. Such is the ſpirit of the law, ſuch the deſign of a wiſe government, *leſs inclined to puniſh the author, than to prevent the pernicious effects of his work**.

What lenity, therefore, ſhould not an author be treated with, when the Ordinance, which is conformable to the ſpirit of Chriſtianity, requires not that even dogmatiſts ſhould be arreſted, till after all means to recall them to their duty have been tried? The legiſlature would prefer the hazard of a probable evil, to the certainty of preventing it by ſuch methods as charity forbids. Pray, how does it appear, or whence can it be concluded, therefore, that the ſame Ordinance would iſſue a decree for taking the author into cuſtody?

But the writer of the Letters, after declaring that his maxims, with reſpect to that article, would be found to agree very well with thoſe of the Remonſtrants, adds, *But theſe are not maxims of our law*: and immediately after, *That thoſe who inclined to a free toleration, could, never-*

* Page 25.

vertheleſs, be ſevere on the Council for not having ſilenced a law, the exertion of which was by no means anſwerable to their conveniency *. This concluſion is really ſurpriſing, after ſo many attempts to prove that the only law which ſeems applicable to my offence has not at the ſame time any neceſſary connection with it. The reproach caſt on the Council, is not for ſilencing a law now in force, but for uſing that as law which never before exiſted as ſuch.

The arguments made uſe of by this author, ſeem to me very ſingular, and a quite new ſpecies of logic. Do you imagine, Sir, there is any reaſoning to be found in this ſyllogiſm?

The law obliges the Council to treat the author of the book with ſeverity.

And what is that law that obliges the Council to be ſevere againſt the author? He then proceeds:

In fact there is no ſuch law: but there is another, which preſcribes that the dogmatiſt ſhould be treated with lenity: Ergo, the author, of whom it makes not the leaſt mention, is to be puniſhed with rigour.

This reaſoning will appear more ſtrange to thoſe who know that Morelli was proſecuted, not as a dogmatiſt, but merely as an author. He had written a book, and on that alone his accuſation was grounded. According to our author, there was no occaſion for him to be heard in his defence; his crime conſiſted merely in writing a book: yet he was heard; and not only heard, but heard with attention: the whole procedure was carried on exactly as the Ordinance directs with regard to that point, which we

* Page 23.

we are told has nothing to do with books or authors. The book was not even burnt till the author abſconded; no order iſſued for his being apprehended; no mention made of his puniſhment *. In effect, all this was done under the eyes of the Government, by the moſt ſanguine partiſans of the Ordinance, at the very moment of its inſtitution, when, according to this anonymous author, the ſevere ſpirit by which it was dictated was at its greateſt heighth, and which he alledges as a juſtification of the rigour with which I was treated.

Now hear the diſtinctions he has made on this ſubject. After ridiculing the lenity uſed in the caſe of Morelli, the time given him for his ſubmiſſion, the ſlow and regular procedure before the order for burning his book, he adds, "All "theſe ſteps were very proper; but muſt it be "concluded from hence, that in all caſes this "muſt be brought as a precedent? Muſt the "proceſs be the ſame againſt an abſentee who "who attacks all religion, as againſt a perſon "who is preſent, and who has only cenſured "the diſcipline? which being the inſtitution of "men,

* Obſerve the circumſpection of the magiſtracy throughout this whole affair, the gentle and gradual methods of their proceedure, the report of the Conſiſtory, and all the ſolemnity of paſſing ſentence. The Syndics, ſeated on their tribunal, with the Scriptures before them, invoked the name of God. After mature deliberation, and aſking advice of the citizens, they pronounced judgment, in preſence of the people, for their information, which they printed and publiſhed; and all this mock ſolemnity, only for the condemnation of a book, without diſhonouring, or decreeing, in any manner, againſt the obſtinate and contumacious author. But theſe gentlemen have ſince learned to diſpoſe of the honour and liberty of men with leſs ceremony, and eſpecially with reſpect to their own citizens: for it is to be noted that Morelli was a ſtranger.

" men, may be ſuſpected of error *? That is to " ſay, in other words, Ought the ſame lenity to " be exerciſed towards a man who meddles not " with their laws, and who lives out of their " juriſdiction, as to one who attacks their laws, " and is at the ſame time their ſubject?" It ſeems this cannot admit of a doubt. But I am certain it is the firſt time it ever entered the mind of man to conceive, that the crime was aggravated only becauſe it was committed without the limits of the ſtate.

" Indeed, continues he, it is remarked in the " repreſentations in favour of M. Rouſſeau, " that Morelli only wrote againſt a point of " diſcipline; and that M. Rouſſeau, in the o- " pinion of his judges, attacked the fundamen- " tals of all religion. But this reflection may " not be univerſally admitted and thoſe who " regard religion as of divine inſtitution, and " as the ſupport of the conſtitution, may be of " opinion, that it is more criminal to attempt " its ſubverſion, than to write againſt mere " matters of form, which are of human inven- " tion, and may be thought ſuſceptible of er- " ror, at leaſt may admit of alterations, with- " out derogating from the purity of religion†."

This reaſoning might, I confeſs, ſeem very proper from the mouth of a Capuchin friar; but I am aſtoniſhed that it ſhould come from the pen of a magiſtrate. What does it ſignify, whether this remark of the remonſtrants be generally admitted or not, if thoſe by whom it is rejected are incapable of reaſoning upon the ſubject? Without doubt, it is a greater crime in the

* Page 17. † Page 18.

ſight of God to offend againſt religion, than barely to find fault with diſcipline. But it is not ſo before earthly tribunals, which are eſtabliſhed for the puniſhment of crimes, not of ſins; and are not the avengers of heaven, but of the laws.

Religion can never make a part of the conſtitution, but as far as it relates to the actions of men. The law orders or forbids actions, but cannot direct our belief. So, whoever attacks not the practice of religion, incurs not the diſpleaſure of the law.

But as diſcipline is an eſſential part of the legiſlature, it becomes itſelf a law. He that attacks that, offends againſt the law, by attempting to ſubvert the conſtitution. Though that conſtitution, before its eſtabliſhment, was ſuſceptible of different forms of diſcipline, is it leſs reſpectable for having adopted one of thoſe forms in preference to all the reſt? Is not the political law, therefore, with regard to temporal affairs, as immutably fixed as that of divine inſtitutions?

Thoſe who, in this caſe, ſhould reject the remark of the Remonſtrants, would be much in the wrong, as it was made by the very Council in the ſentence againſt Morelli's book, which is accuſed particularly *of tending to promote ſchiſm and ſedition in the ſtate*; an imputation it would be difficult to lay to my charge.

The buſineſs of civil tribunals is not to defend the cauſe of God, but only that of men. They have not the charge of ſouls, but of bodies. It is the ſtate, and not the church, they are appointed to take care of; and whenever they meddle in religious matters, it is only as far as they

they relate to the laws, with reſpect to good order, and the ſafety of the public. Theſe are the maxims of true policy; not founded on the doctrine of abſolute power, but on reaſon and juſtice. Whenever the civil magiſtrate ſwerves from the proper object of his juriſdiction, the moſt criminal abuſes are introduced, the ſtate put into diſorder, and both law and authority degenerate and become a public nuiſance. I am ſorry for the people of Geneva; whom, it is plain, the Council ſufficiently deſpiſes, in daring to impoſe on them with ſuch arguments, to which they are greater dupes than the moſt ignorant and ſuperſtitious nation in Europe. Your remonſtrants reaſon on that ſubject like ſtateſmen, and your magiſtrates like monks.

As a proof that the example of Morelli is no precedent, the author of the Letters compares the proſecution againſt him, with that carried on againſt Nicholas Antoine, in 1632, a poor mad creature, whom the Council, at the inſtance of the miniſters, ſentenced to be burnt for the good of his ſoul. Theſe Auto-da-Fes, as I obſerved before, were no rarities at Geneva; and it appears, with regard to myſelf, that theſe gentlemen are very well inclined to renew, and eſtabliſh, that ſpecies of inquiſition in their country.

I ſhall faithfully tranſcribe the paſſages, that I may avoid imitating the malice of my enemies. We will now proceed to examine the proceſs in the caſe of Nicholas Antoine.

"The eccleſiaſtical ſentence is ſtill exiſting; "and we are not ſo remote from the time it "was pronounced, but that we may perceive "by what ſpirit it was dictated. Was Antoine

"cited to appear before the Conſiſtory? Yet a-"midſt ſo many voices that exclaimed againſt "this ſanguinary decree, and notwithſtanding "the efforts made to ſave him, by all humane and "moderate perſons, yet no man condemned "the irregularity of the proceſs. Morelli was "cited to the Conſiſtory; Antoine was not; "therefore, citation is not neceſſary in all "caſes *."

Perhaps you will imagine that the Council acted as precipitately againſt Antoine, as it did againſt me, with regard to the miniſters or the Conſiſtory; you ſhall know preſently.

Nicholas Antoine, in one of his fits of frenzy, being about to caſt himſelf into the Rhone, the magiſtrate was determined to remove him from the public houſe where he lodged, in order to place him in the hoſpital, and put him under the care of the Phyſicians.

"He remained there ſome time, uttering the "moſt horrid blaſphemies againſt the Chriſtian "religion. The miniſters came to him con-"ſtantly, and endeavoured, during his lucid "intervals, to reclaim him from his errors, "but in vain. He perſiſted in declaring he "would never change his ſentiments, and that "he was prepared to ſuffer for the glory of the "great God of Iſrael. Not being able to pre-"vail, they informed the Council; and repre-"ſenting him as more impious than Servetus, "Gentilis, and all the Antitrinitarians together, "they concluded that he ſhould be ſtrictly con-"fined, which was executed accordingly †."

You now perceive why he was not cited to the

* Page 17. † Hiſt. of Geneva, in 12mo. Vol. ii. p. 550.

the Conſiſtory; it was becauſe being very ill, and under the care of the phyſicians, it was impoſſible he ſhould appear. But if he went not to the Conſiſtory, the Conſiſtory, or its members, came to him. The miniſters ſaw and exhorted him every day. At length all their endeavours proving vain, they made their reports to the Council, repreſenting him in a worſe light than any of thoſe who had been condemned to death, and required he ſhould be ſent to priſon, which was granted to their importunity.

The miniſters, ſtill indefatigable, renewed their exhortations in the priſon, and diſcuſſed with him ſeveral paſſages of the Old Teſtament: they conjured him, by all they imagined might affect him *, to renounce his errors; but he continued unmoved. He was then brought before the civil magiſtrate, who adminiſtered the uſual interrogatories. During this proceſs, the magiſtrate had again recourſe to the miniſters, who appeared before the Council, to the number of fifteen, as well paſtors as profeſſors. Their opinions were divided; but the advice of the majority prevailed, and Nicholas was executed.

As this proceſs was entirely eccleſiaſtical, it might properly be ſaid, that Nicholas was burnt by the hands of the miniſters.

Such, Sir, was the order of procedure, in which the author of the Letters aſſures us, Antoine was never cited before the Conſiſtory; from whence he concludes, that form may ſometimes

* Suppoſe he had renounced his errors, would they have afterwards put him to death? According to this author's maxims, they ſhould have done ſo. But it appears that, notwithſtanding his incorrigible obſtinacy, the magiſtrate ceaſed not to adviſe with the miniſters. He looked on him as being ſtill liable to their juriſdiction.

times be unneceſſary. Has he, do you think, quoted a caſe any way ſuitable to his purpoſe?

But admitting it to be ſo, what is the concluſion? The Remonſtrants argue from a fact, in order to eſtabliſh a law; the author of the Letters draws an inference from a fact againſt that very law. If the authority of theſe facts deſtroy each other, the law remains juſt as it was. Is the law leſs poſitive for being once infringed? and does a violation of it in one inſtance, give us the right of perpetual tranſgreſſion?

Let us conclude, in our turn. If I have dogmatized, I am certainly obnoxious to the law. If I have not, what have they to object againſt me? I have broken no ordinance *. And this muſt be the alternative: If there be a law againſt which I have offended, I am guilty; but if that is only ſuppoſed to be law, which is not ſo in fact, then I cannot have trangreſſed againſt that which has no exiſtence.

It is certain, that a bare judging of the works, is no definitive ſentence againſt the author. An order has been iſſued for arreſting him, but that is no great matter. I think it ſevere; but we muſt not be unjuſt, even to thoſe who are ſo to us, or look for iniquity where it is impoſſible to be found. I accuſe not the Council on account of their diſtinction between the book and the man, which they meant as an apology for their raſh ſentence in condemning me unheard.

The judges might poſſibly have ſeen the caſe in the ſame light they have repreſented it; therefore

* Nothing is criminal that tranſgreſſes no law of nature, but where there is a prohibition by ſome poſitive law of ſociety. This remark is intended to ſhew your ſuperficial reaſoners the exactneſs of my dilemma.

fore I do not accuſe them of deceit or want of probity. I only blame them for ſuffering themſelves to be impoſed on in a very ſerious affair, at my expence. To be deceived in pardoning, is tolerable; but to ſuffer an impoſition in order to condemn, is a moſt cruel and deteſtable miſtake.

The Council, in their anſwers, advanced, that notwithſtanding the diſhonour thrown on my book, they allowed me, as to my perſon, the benefit of all my exceptions and defence.

The authors of the remonſtrances reply, that they cannot comprehend what defence or exceptions can be taken by a man who is publicly declared impious, inſolent, and ſcandalous, and diſhonoured by the hands of the executioner, in the works that bear his name.

"You ſuppoſe a falſity (ſays the writer of the Letters,) "which is, that the ſentence paſſed "on the works is communicated to the author. "But this ſentence has not in the leaſt ſullied "his reputation; therefore his defence and ex"ceptions are ſtill valid, as far as relates to his "perſon *."

You deceive yourſelf, would I anſwer this writer. It is true, that the judgment, which has not deſtroyed the credit of the book, has not yet attacked the life of the author, but it has murdered his honour. His exceptions and defence are ſtill good, as to the pain afflictive; but he has already received, in his mangled reputation, the utmoſt rigour of the pain infamous. He is now effectually ruined and diſhonoured, as far as depended on his judges. The only point undecided with them is, whether

* Page 21.

ther they ſhall not yet commit him to the flames.

The diſtinction between the Author and the Book is trifling, becauſe a book is abſolutely unpuniſhable. A book, conſidered in the abſtract, can be neither impious nor inſolent; theſe epithets properly belong to the doctrine it contains, that is, to the author of the doctrine. When a book is burnt, what puniſhment does the executioner inflict? Does the paper ſuffer either pain or infamy? Or how can it, in any ſenſe, be diſhonoured? Who ever heard that a book, which is but paper, was in itſelf capable of receiving either honour or diſgrace?

Here lies the error; and this the ſource of it, a cuſtom ill underſtood.

Of the multitude of books which are publiſhed every day, few are written with a laudable intention. At leaſt ſixty in an hundred are written through motives of intereſt or ambition; thirty others, dictated by the ſpirit of hatred and party-rage, convey to the public, under the maſk of being anonymous, the bitter poiſon of ſatire and detraction. Ten, perhaps, (and that is much,) have juſt and honourable views; they publiſh the truth, they know and purſue the good they love. But what author is ever pardoned the crime of telling truth? He muſt conceal himſelf, or he dare not utter it. To be uſeful with impunity, he muſt ſend his book abroad, but be ſure ſtill to keep himſelf concealed at home.

Of this great variety of books, the bad ones, and almoſt all thoſe which have even merit, are condemned and ſuppreſſed, if poſſible, by the courts of judicature. The reaſon is ſelf-evident; it is but a formality, leſt it ſhould be thought

thoſe books were tacitly approved of. For the reſt, if the author avoids putting his name, tho' every body knows it, yet the magiſtrate takes no notice. Many perſons own themſelves the authors out of vanity at one time, and diſavow it at another through fear. The ſame man ſhall be the author, or not, in preſence of the ſame perſon, as it happens to be either at an audience or an entertainment. It is only ſaying yes and no, without giving themſelves any farther trouble; and by this artifice, ſecurity is never ſacrificed to vanity. It is my want of this prudence and addreſs that the author of the Letters has taken occaſion to cenſure; which, however, were unneceſſary in my caſe, and, at beſt, lays the mind under a diſagreeable embarraſſment.

This method of proceeding againſt anonymous books whoſe authors it is thought improper to know, is become a practice in the Courts. When they would be ſevere againſt the book, they burn it, becauſe they then have nobody to perſecute, and perceive that the concealed author has no great inclination to declare himſelf; they have the pleaſure of ridiculing, with the very author, at night, thoſe informations they have received againſt him in the morning. Such is the probity of theſe honourable magiſtrates.

But when an author is deficient in addreſs, that is, one who knows his duty, who would fulfil it, and who thinks he ought to tell the public nothing he dare not avow; who is neither aſhamed of his name, nor of anſwering for what he has written; then equity, which forbids that a man of honour ſhould be puniſhed for

for his want of artifice, preſcribes a different method of proceeding. There ſhould be no diſtinction, then, between the book and the man. As he has ſhewed, by putting his name to it, his deſire they ſhould not be ſeparated, equity requires that there be no judgment paſſed on the work, till the author be called upon, who only can anſwer for it. So that to condemn an anonymous book, is, in fact, to condemn nothing but the book: but to condemn a book that bears the name of the author, is an abſolute condemnation of the author himſelf; and to deprive him of an opportunity of anſwering for his conduct, is, in fact, to condemn him unheard.

The preliminary citation, therefore, and the decree of caption, are indiſpenſibly neceſſary in ſuch caſe, previous to any proceſs againſt the book. It is in vain to ſay, with the author of the Letters, that the guilt is evident, that it appears in the book itſelf: this can be no reaſon for diſpenſing with the neceſſary forms of judicial proceedings, which are conſtantly followed with reſpect to crimes of the moſt heinous nature, the beſt atteſted, and the plaineſt proved. For though a murder had been perpetrated in the ſight of multitudes, yet the aſſaſſin is not to be condemned before he is heard, nor without putting it in his power to anſwer for himſelf.

Why ſhould the honeſt openneſs of an author, in avowing himſelf, be conſtrued as a mark of guilt, and turn ſo much to his diſadvantage? Should it not, on the contrary, make him more worthy our eſteem? Ought the judges to be more circumſpect, than if he had concealed his name?

name? Why has he riſked his ſafety, by treating on bold ſubjects that may be liable to exception, unleſs he was inſured againſt danger, by the defence he could be capable of making, and which may be preſumed from the ſincerity of his conduct? The author of the Letters may make as free as he pleaſes with what he calls imprudence and want of addreſs: but, in my opinion, it is no more than the part of an honeſt man, who ſees his duty in what is falſely termed imprudence; who is ſenſible he has nothing to fear, if judged by the rules of equity; and who thinks it an unpardonable meanneſs of ſoul, to publiſh what he dare not avow.

If there be nothing in queſtion but the reputation of an author, where is the neceſſity of prefixing his name to the book? Who is ignorant of the artifice uſed by ſome authors, to receive all the honour without running the riſk; to magnify their characters, without the trouble of being called in queſtion; and to aſſume an air of humility, when really infected with the ſtrongeſt vanity? What authors, of a certain claſs, are unacquainted with this little ſtroke of addreſs? Which of them knows not, that he is even unworthy the dignity of naming himſelf; as if every one, who reads the work, could be capable of gueſſing the great man that compoſed it?

But theſe gentlemen have never ſeen any thing out of the ordinary courſe: and ſo far are they from perceiving the exception in my favour, that they have actually made uſe of it againſt me. They ought either to burn the book, without regarding the author; or, if they began with him, they ſhould wait for his appearance, or

contumacy, before they proceeded to burn his book. But, on the reverſe, they firſt burned the book, as if they knew not the author; and condemned the author, as if the book had not been burnt. What! judge me, after they had declared me infamous! What would they have? For what fate, more dreadful, do they yet reſerve me? Are they ignorant, that an honeſt man prizes his reputation beyond his life? What penalty remains for him, when he is publicly diſhonoured? To what purpoſe ſhould I aver my innocence before the judges, when the treatment I received without being heard, is a more cruel puniſhment than any they could have impoſed, admitting they had found me guilty?

They began with treating me, in all reſpects, as a malefactor, who had no longer any honour to loſe, and who could receive no future puniſhment but what was corporal; and after, with all the coolneſs imaginable, declared me entitled to my exceptions and defence. But how can theſe exceptions, or any defence I ſhould make, ever efface the ignominious affronts I before ſuſtained, both in my book and perſon? Suppoſe I had been publicly dragged through the ſtreets by officers, and, to all the evils with which I had been loaded, they had added the rigours of a priſon; what then? Are all perſons, and all crimes, to be confounded, with any degree of juſtice? Muſt a citizen of irreproachable character be dragged to priſon like a vagabond, for an act of ſincerity, falſely called want of addreſs? And of what advantage are integrity of life and the public eſteem, in the conſideration of the judges, when the untainted

ed honour of fifty years has not credit sufficient to procure exemption from the grossest affronts *?

" The comparison between the prosecution " carried on against Emilius, the toleration of " the other works, and the partiality with which " they take the liberty of reproaching the Coun " cil on that account, seem not well ground- " ed. It is bad reasoning to say, that because " a government was once guilty of dissimula- " tion, it is obliged always to be so. If it hap- " pens through neglect, it may be redressed; " if it be a silence that circumstances or policy " require, there would be very little justice in " making it matter of reproach. I do not pre- " tend to justify the writings pointed out in the " remonstrances; but is there really, in con- " science, no difference between books that " have only here and there some indiscreet " touches against religion, and those in which " we find the whole civil society of mankind " violently assaulted, by opinions abruptly and " grosly obtruded on the understanding, and " exerting the most pernicious influence? Let " us impartially consider the different merits " of these works, and compare them together; " let us judge of them by the impression they

* In the examination on the interrogatories there was sufficient proof to destroy the credit of the presumptions the author of the Letters affects to accumulate on me. He says, the offending books were of the same size as my other Works. It is true, they were in duodecimo and octavo. Of what size, therefore, are other authors? He adds, that they were all printed by the same bookseller. This is a false assertion; Emilius was printed by other hands, and in a different type, from the rest of my Works. So the proof that must result, from bringing the witnesses and the accused face to face, would contribute to my discharge.

" make on the world; the firſt are publiſhed, " and diſperſed every where; the laſt are recei- " ved in a manner ſuitable to the juſt contempt " and abhorrence they ſo well deſerve *.'

I thought proper to tranſcribe the whole of this paragraph. I ſhall now quote it by fragments; it deſerves really to be analyzed.

Why were not theſe books printed at Geneva? Why were they not licenſed? Works which cannot be read without indignation, are there ſold publicly: every one reads and admires them; the magiſtrates are ſilent, the miniſters ſmile, auſterity is no longer in faſhion. I, and my books alone, were the objects of animadverſion. But of what animadverſion? The moſt dreadful that can be conceived. Good God! I never could have believed myſelf ſo great a villain.

The compariſon between the proſecution carried on againſt Emilius, the toleration of the other works, and the partiality with which they take the liberty of reproaching the Council on that account, ſeem not well grounded. I hope ſo too.

It is bad reaſoning to ſay, that becauſe a government was once guilty of diſſimulation, it muſt be always obliged to do the ſame. Be it ſo; but conſider the times, the places, and the perſons. Conſider with what writings they thus diſſembled, and thoſe with reſpect to which they were determined to diſſemble no longer. Behold the authors that are careſſed at Geneva, and behold thoſe who are there perſecuted.

If it happens through neglect, it ought to be redreſſed. They can, they ought; but have they done ſo! I and my writings have been blacken-

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* Page 23, 24.

ed without deſerving it, and thoſe who have merited cenſure are tolerated as much as ever. I only am the perſon excepted.

If it be a ſilence that circumſtances and policy require, there would be very little juſtice in making it a matter of reproach. If you are compelled to tolerate reprehenſible books, grant the ſame privilege to thoſe that are blameleſs. Decency requires a concealment of ſuch ſcandalous partiality from the vulgar, which puniſhes the weak and innocent for the crimes of the guilty in power. How! are we to take theſe infamous diſtinctions as reaſon, and are we to be always their dupes? They may with as great propriety affirm, that ſome obſcene pieces are of mighty concern to the commonwealth, and that your city will be demoliſhed, if it does not tolerate, if it does not print, if it does not permit the ſame works to be ſold publicly, which are proſcribed in the author's country. How arrogant do they make you, O people of Geneva, by ſo often uſing the interpoſition of the higher powers, to authoriſe the evil they know not, and which they would ſuffer to be acted in their name!

When I came into this country, it was reported that the whole kingdom of France was at my heels. My books were burnt at Geneva; that was for making my complaint againſt France: they condemned me; France would have it ſo: they baniſhed me from the Canton of Berne; it was France demanded it: they purſued me quite to theſe Mountains; if I had been driven farther, it would ſtill be by France. Compelled by ſo many outrageous injuries, I wrote a letter of apology; I looked on myſelf as

undone. I was ſurrounded by enemies, and my every motion watched. France employed ſpies to obſerve me, and ruffians to aſſaſſinate me; it was dangerous for me even to ſtir out of my houſe. All my perils proceeded from France; from the Parliament, the Clergy, and the Court itſelf. Never was a ſcribbler known to become a man of ſuch importance. Tired at laſt to death with theſe brutalities, I go to France: I very well knew the diſpoſition of the French; and I was unhappy. They receive me with open arms; they load me with careſſes; I meet with many civilities, and it was my own fault that I did not accept of more. I returned home with great tranquillity. The French blame my imprudence, but they ceaſe to threaten; they are in the right. If any aſſaſſins ſhould deprive me of life, they will certainly never come from that country.

I do not confound or miſtake the various cauſes from whence my misfortunes proceed. I very well perceive, and can diſtinguiſh between thoſe evils which are the effects of circumſtances and ſad neceſſity, and thoſe which are entirely owing to the malice of my enemies. Would to God I had been no worſe treated at Geneva than in France, and that my countrymen had not been more implacable! Every body is now ſenſible from whence I have received the moſt deadly blows, and your people make a ſubject of reproach of thoſe very evils which have been the work of their own hands. What can be a more execrable calumny, than to object as a crime at Geneva, the perſecutions raiſed by themſelves againſt me in Switzerland? and to blame me for being allow-

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ed to ſettle no where, when they cauſed me to be driven out of every place? Ought I to accuſe that friendſhip, which firſt gave occaſion to my coming into this country ſo near bordering on my own? I dare call to witneſs all the people of Europe, that, excepting the Swiſs, every other nation not only received me hoſpitably, but even with reſpect. Muſt I for ever complain of the place I choſe as a retreat? No! in deſpite of the moſt obſtinate perſecution, I have been rather a gainer: I have found a man, a noble and generous ſoul. O George Keith! my friend, my protector, my father! wherever you be, wherever I ſhall end my wretched days, and though I muſt never more ſee you; yet I ſhall not reproach Heaven with my misfortunes, ſince it is to them I am indebted for the happineſs of your friendſhip.

But is there really in conſcience no difference between books that are only interſperſed with ſome indiſcreet touches againſt religion, and thoſe in which we find the whole civil ſociety of mankind violently aſſaulted, by opinions abruptly and without the leaſt diſguiſe obtruded on the underſtanding, and exerting the moſt pernicious influence?

In conſcience!—It becomes not ſuch a miſcreant as me to ſpeak of conſcience — and before ſuch good Chriſtians—ſo I hold my tongue.—I think it, however, a very extraordinary kind of conſcience, which can make them tell the magiſtrates, We eaſily permit blaſphemy, but we cannot endure reaſoning! It is only allowing for the difference of the ſubject, and it will appear in the ſame light as the impious abſurdity of the Athenians, applauding the wretch-

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ed doctrine of Ariſtophanes, and at the ſame time putting the good and wiſe Socrates to death.

There is one thing contributes much to give me confidence in my opinions, and that is, when I find the application of them always juſt in events the moſt unforſeen. Such is the preſent caſe. One of the maxims derived from my analyſis of religion, and of what is eſſential to it, is, that we ſhould never meddle with other people's affairs, but when there is ſome point that concerns ourſelves; whence it follows, that men ought not to puniſh one another for offences that relate only to heaven, which knows very well how to avenge itſelf. The Remonſtrants quote from Monteſquieu, *We ſhould reverence the Divinity, but never avenge his wrongs* *: they are in the right. Yet ridiculous and abſurd opinions, groſs impieties, and blaſphemies againſt religion, are eſteemed puniſhable by human tribunals; but reaſoning never. Why ſo? Becauſe in the firſt caſe not only religion is attacked,

* You will obſerve, that I only make uſe of the word *wrongs*, in compliance with cuſtom: though I am far from admitting it in its literal ſenſe, which I think ill applied; as if my being, man, angel, or the devil himſelf, could offend or injure the Deity. That which we expreſs by *offence*, or *wrong*, is tranſlated in the ſame manner as almoſt the whole of the ſacred text is, and that is ſaying enough. Men puffed up with their theology, have tranſlated and diſfigured that admirable book, according to their own narrow ideas, and from hence they feed the folly and fanaticiſm of the people. I find great wiſdom in the caution uſed by the church of Rome with regard to the tranſlation of the Scriptures from the vulgar tongues, as it is unneceſſary to offer to the common people the rapturous meditations of the Song of Solomon, or the continual curſes given by David to his enemies: So the ſubtleties of St Paul concerning grace, and even the ſublime morality of the Goſpel, in terms not expreſſive of the author's meaning, are dangerous to be put into their hands; for in departing ever ſo little from the right road, they will go too far.

tacked, but all its profeſſors, who are inſulted and diſturbed in their worſhip. There is a rebellious contempt ſhewn of every thing reſpected as ſacred in religion, which conſequently includes the perſons who are its votaries. Such outrages as theſe fall certainly under the cogniſance of law, as they affect mankind, who have a right of reſenting them. But who ought to be offended with reaſoning? Who is there that can be angry at being treated as a reaſonable creature? If the reaſoner deceives either himſelf or us, and you are of his opinion or of ours, ſhew him his error, undeceive us; fight him at his own proper weapons. If you do not chuſe the trouble, ſay nothing, hear nothing, let him reaſon or not reaſon, and all is over without noiſe, or without inſulting or quarrelling with any perſon whatſoever. But on what can the contrary maxim be founded, of ſuffering raillery, deſpiſing outrage, and at the ſame time puniſhing reaſon? There mine, I confeſs, is loſt.

Theſe gentlemen ſee M. Voltaire very frequently. I wonder he had not inſpired them with a little of that ſpirit of toleration he continually preaches, and which is ſometimes neceſſary for himſelf. If they had ever conſulted him on that occaſion, I believe he would have anſwered them in terms pretty much like theſe:

"It is not, gentlemen, thoſe who reaſon, "but your pretended devotees, that do this miſ-"chief. Philoſophy may go on its own road, "without any inconvenience. The people un-"derſtand nothing of it, or elſe let it ſay on, "and philoſophy returns all the diſdain that is "conceived againſt it. Reaſoning is, of all "follies, that which does the leaſt injury to

"man-

" mankind, and we ſee wiſe perſons ſometimes " infected with it. As to my part, I do not " reaſon at all, but others do. Where is the " harm? Look into ſuch and ſuch an author, " you will find nothing in them but innocent " pleaſantries. As to myſelf, if I reaſon not, " I do better. I make my readers reaſon. See " my chapter on the Jews: ſee the ſame chap- " ter farther explained, in the ſermon of the " fifty. I believe there is reaſoning in that, or " ſomething like it. You will alſo admit, that " there is very little circumlocution, and a good " deal more than indiſcreet and ſlight touches.

" We have agreed that my great credit at " court, and my aſſumed dignity, ſhould ſerve " to cover the jeſts and ſports of my old-age, " and ſuffer them to reſt in peace. Very well; " but burn not graver writings, for that indeed " would be extremely injurious.

" I have very much recommended Toleration, " that is true; but we ſhould not always exact " it of others, while we never make uſe of it " towards them. This poor man believes in " God: What then? he will not form any " ſect. He is tedious; ſo are all reaſoners. " We ſhall not make him one of our company " at any of our entertainments; that is all. " What have we farther to do with him? If all " ſtupid books were to be burnt, what would " become of the libraries? and if all tireſome " people were to be burnt, we muſt make a pile " of the whole country.

" Believe me, it is the beſt way to indulge " them in reaſoning who take in good part our " pleaſantries. Let us burn neither authors nor

" nor books. Let us live in peace; that is " what I adviſe."

This is what, in my opinion, M. de Voltaire would have ſaid, though in a much better manner; and, as I think, might not be the worſt advice he has given.

Let us compare theſe Works impartially, and let us judge of them by the impreſſion they have made on the world. With all my heart. *The one is printed and diſperſed all the world over; we know very well how the other has been received.*

Theſe words, *the one and the other*, are equivocal. I ſhall not ſay which of them the author lays at my door: but this I know, that mine are printed in all countries, tranſlated into all languages: and that there were two tranſlations of Emilius made at the ſame time in London, an honour never conferred before on any book, except Eloiſa, at leaſt as far as I know. I will moreover affirm, that I am reſpected in France, in England, in Germany; and even in Italy they love me, and would give me a good reception; and there is an univerſal cry of indignation againſt the council of Geneva. This much I can ſay with regard to the fate of my Works; I know nothing of what attended the writings of others.

It is time I had done. You ſee, Sir, that in this and the preceding Letter I ſuppoſe myſelf to be guilty; but in the three firſt I proved my innocence. Now judge if a proceſs, which was unjuſt even againſt a delinquent, ought to have been made uſe of againſt the innocent.

Yet theſe gentlemen, being fully reſolved to let this procedure ſubſiſt, have haughtily declared,

red, that the welfare of religion would not admit an acknowledgment of the injury, nor the honour of the government a reparation of the wrong. It would require a volume to ſet forth the conſequences of that maxim, which changes all the iniquitous practices of the miniſters of law into a decree of fate, and reveres them as ſuch. That is not the ſubject I am now upon; all I purpoſed in this place, was to inquire if any injuſtice had been committed, and not what reparation was neceſſary. Taking it for granted, we ſhall ſee by and by what ſteps can be taken according to your laws as a remedy for their violation. In the mean time, what ſhall we think of thoſe inflexible judges, who proceed as lightly in their determinations, as if they could have no conſequences; and yet maintain them as obſtinately, as if they had been the reſult of the matureſt conſideration.

Though theſe points have had a long diſcuſſion, I imagined the object of them would have prevailed on your patience to go through them. I indeed think it ſhould, as theſe diſcuſſions are as much an apology for your laws, as for myſelf. In a free country, where a rational religion was profeſſed, the law that ſhould pronounce a book like mine criminal, would be a dreadful one indeed; and ſhould be abrogated immediately, for the honour and emolument of the ſtate. But thanks to heaven, no ſuch law exiſts amongſt you, as I have now proved; and it were better owing to the corruption of the magiſtrate, than to the injuſtice of the laws. For the miſtakes of men paſs away, when the error of the law remains as long as themſelves. The decree that baniſhes me for ever from

from my country, is ſo far from being the conſequence of my faults, that I never diſcharged the duty of a citizen better than at the moment I ceaſed to be ſo; I even have merited the title, by the very act which obliged me to renounce it.

Recollect what happened a few years ſince, in the caſe of M. d'Alembert, on the ſubject of the article GENEVA. Far from pacifying the murmurs raiſed by that article, the writing publiſhed by the paſtors had only augmented them; and every one knows, that what I writ did them more ſervice than any thing that came from themſelves on the occaſion. The Proteſtant party made no ſtir, though it ought to have exerted itſelf: and unfortunately Government gives itſelf but little concern about ſuch things; as the diſputes of the theologiſts, deſigned to fall into the oblivion of even their authors, generally erect themſelves into conſequence by the notice that is taken of them;

For my part, I always thought it was for the honour and good of the community to have a clergy animated by a ſpirit very rare in their order, which, without attaching itſelf too much to a doctrine merely ſpeculative, refers all to morality, and the proper diſcharge of the duties of the man and the citizen. I imagined, that without making their apology in direct terms, to juſtify the maxims I have ſuppoſed, and prevent the cenſure that might fall if thoſe maxims were adopted, would be an eſſential ſervice to the ſtate; and by ſhewing that what they would neglect was neither certain nor uſeful, I hoped to reſtrain thoſe who might make it a crime; and that without ſo much as naming or pointing out any perſon, and without mentioning a word

concerning orthodoxy; that it might ſerve as an example to other divines.

The attempt was bold, but not raſh; and muſt naturally have ſucceeded, but for circumſtances it was impoſſible to foreſee. I was not the only perſon of this way of thinking, but ſeveral of great underſtanding among the magiſtrates were of my opinion. Conſider the ſtate of religion in Europe at the moment my book was publiſhed, and you will perceive that it was more than probable it would meet with a good reception. Religion, every where rendered leſs venerable by philoſophy, had almoſt loſt all its influence on the people. The churchmen, obſtinately propping it on their own weak ſide, had let all the reſt be undermined, and the whole edifice was ready to tumble down. Controverſy was at an end, becauſe nobody was intereſted in it; and peace was concluded between the different parties, becauſe none gave themſelves any trouble about their own ſide of the queſtion. To remove a rotten branch, they had cut down the tree. Leaving the trunk was ſufficient to replant it.

What moment could be more deſirable for eſtabliſhing the general peace, than that wherein animoſities were ſuſpended. and left people at liberty to hear reaſon. How could a work diſpleaſe, which, without blaming or excluding any perſon, ſhewed that at bottom all were agreed; that ſo many diſſentions were raiſed, ſo much blood ſpilled, for points ill underſtood; that every body ſhould remain in his own way of worſhip without troubling himſelf about that of others; that in all places God ought to be ſerved,

ved, our neighbour loved, the laws obeyed, and that was the eſſence of all ſound religion.

This was at once to eſtabliſh a philoſophic liberty, together with the piety of religion; this was to conciliate the love of order with allowing for the prejudices of others; this was to bring all parties into the common pale of humanity and reaſon. Far from promoting quarrels, this was to cut the root of thoſe evils that ſtill ſprouted, and which riſe again when the zeal of fanaticiſm (which is only dropped aſleep) ſhall wake again. It was, in a word, to give every perſon the ſtrongeſt reaſon, in this age of indifference, to continue always what he is, without giving himſelf the trouble of knowing why.

How many evils, juſt ready to make their appearance, would have been prevented, if they had taken my advice? And what inconveniences could have ariſen to countervail the advantage? None. I defy them to ſhew me one either probable or poſſible, if it be not the exemption of innocent errors from puniſhment, and clipping the wings of perſecution. How comes it to paſs, that after ſad experience, and in ſo enlightened an age, governments have not learned to caſt away and break that dreadful weapon, which can never be managed with ſuch addreſs but it cuts the hand that makes uſe of it.

The Abbe de St Pierre adviſed that the divinity ſchools ſhould be ſuppreſſed, and that would beſt ſupport religion. What better method could then be taken to arrive quietly at this twofold object, which, properly viewed, is blended into one? Certainly the very part I acted was the moſt obvious way of leading to ſo deſirable an end.

One unfortunate circumſtance hindered the effect of all my good intentions, and brought all thoſe evils on my own head from which I would deliver the whole human race. Will there ever ariſe another friend to truth, that my fate will not terrify? I cannot tell. I wiſh he may be wiſer than me: but if he has the ſame zeal, will he be more ſucceſsful? I doubt that. An opportunity once loſt never returns. I wiſh, with all my heart, the Parliament of Paris may not repent one day their putting that ſword into the hands of ſuperſtition, which I wreſted out of them and caſt them to the ground.

But let us quit theſe diſtant times and places, and return to Geneva. It is there I would chuſe to bring you by my laſt obſervation, which is much in your own way of thinking, and muſt certainly ſtrike you. Caſt your eyes round, and obſerve all that paſſes. Who are my perſecutors? Who are they that take my part? Behold, among the Remonſtrators, the principal of your citizens. Has Geneva any more valuable? I ſhall ſay nothing of my perſecutors. God forbid I ſhould ever ſully my pen or my cauſe with the virulence of ſatire; I quit, without regret, that weapon to my enemies: But reaſon, and judge for yourſelf. On what ſide lie morals, virtue, ſolid piety, and true patriotiſm? How! I have offended againſt the laws, and yet the laws moſt zealous defenders are my friends! I attack the government, and the beſt citizens approve of me! I attack religion, and yet I have on my ſide thoſe who beſt practiſe religion! This obſervation alone is ſufficient; it points out my real crime, and the true cauſe of my diſgrace. They who hated

hated and have done me all manner of injuries, write my eulogium, even in ſpite of themſelves. The true cauſe of their hatred is evident, and ſpeaks itſelf. A Genevan can never miſtake it.

LETTER VI.

Whether it be true that the author hath attacked all Government. A ſhort analyſis of his book. The proceedings againſt him at Geneva unexampled in any country whatſoever.

ONE more Letter, Sir, and you are quit of me. I find myſelf at the beginning of it, however, in a very whimſical ſituation; obliged to write, and hardly knowing how to diſcharge that obligation. Imagine to yourſelf a perſon under the neceſſity of juſtifying himſelf in regard to a crime of which he is ignorant, and compelled to defend himſelf without knowing of what he ſtands accuſed. Such is my caſe with regard to the affair of government. I am not only accuſed, but condemned, and ſtigmatiſed for having publiſhed two works, *preſumptuous, ſcandalous, impious, tending to the ſubverſion of the Chriſtian religion and of government.*

As to religion, we have had ſome clue to find out what was meant by it, and we have examined it. But as to government, nothing can furniſh us with the leaſt traces. Every explanation upon this head hath been ſedulouſly avoided: it hath never been ſaid in what part of my works, how, or why, I have endeavoured to ſubvert government; nor hath any thing been ſaid, which might ſerve to ſhew the imputation not

to be merely imaginary. It is juſt as if a man were to be arraigned for murder, without naming the perſon killed, the time when, or the place where; a murder in mere ſpeculation. In the Inquiſition, indeed, the accuſed is forced to divine what he is accuſed of; but he is not condemned without being told for what.

The author of the Letters from the Country carefully avoids an explanation alſo on the pretended delinquency: he ſets out with joining religion and government in the ſame general accuſation; but, entering on the ſubject of religion alone, he declares his intention to confine himſelf to that only, and is accordingly as good as his word. How ſhall we be able to aſcertain this accuſation reſpecting governments, if thoſe who bring it refuſe to tell in what it conſiſts?

Obſerve how artfully, by one ſtroke of the pen, this author varies the ſtate of the queſtion. The Council have determined that my books tend to the ſubverſion of all kinds of government. The author of the Letters ſays only, That governments are therein expoſed to the moſt audacious criticiſm. This is very different. A criticiſm, however audacious, may not be a conſpiracy. To criticiſe, or cenſure, ſome particular laws, does not amount to the ſubverſion of all laws. You might as well accuſe a man of aſſaſſinating the ſick, becauſe he expoſes the errors of the phyſicians.

Again, What anſwer can I make to arguments that are kept ſecret? How ſhall I juſtify myſelf againſt a ſentence paſſed without evidence? If there be no proofs neither on one ſide nor the other, the gentlemen may alledge that I intend to ſubvert all government; and I may ſay, on the

the other, that I do not: there is an exact parity in the allegation; except indeed that the public prepoſſeſſion is againſt me; for it is to be preſumed that I muſt know my own intentions better than any body elſe.

But the parity fails in the effect of the aſſertion. On the ſtrength of theirs I am perſonally proſecuted; and what I aſſert, ſtands for nothing. If I prove, however, that the accuſation is falſe, and the ſentence given againſt me iniquitous, the reproaches they have made me, return, of courſe, on themſelves. The decree, the executioner, all ought to be retorted on them; as none lay the axe ſo near to the root of government as thoſe who make an uſe of it directly contrary to the purpoſes of its inſtitution.

It is not ſufficient that I affirm; it is neceſſary for me to prove. And here we may ſee how deplorable is the ſituation of an individual, ſubject to unjuſt magiſtrates, when they have nothing to fear from the ſovereign, and they ſet themſelves above the laws. Of a ſimple affirmation, without proof, they make a demonſtration; and thus innocence is oppreſſed. Add to this, that they make a new crime of his defence, and it is not their fault that he is not puniſhed again for having proved himſelf innocent.

What means can I take to ſhew that they have not ſpoken the truth? to prove that I have not endeavoured to ſubvert government? If I defend any particular part of my writings, they may ſay it is not that part which they condemn, although they have condemned them all without diſtinction, good and bad. To leave them no ſubterfuge, therefore, it would be neceſſary to recapitulate the whole, and examine them from be-

beginning to end, book by book, page by page, line by line, and in a manner word by word. It would beſides be neceſſary to inquire into the nature of all the governments in the world, as they affirm that I mean to ſubvert them all. What an undertaking! How many years of my life would it not coſt me! How many folios muſt I not write; and after all, who will give themſelves the trouble to read them?

Require of me only what is practicable. Every ſenſible perſon, I think, ought to be contented with what I have to ſay to you; and you ſurely will not deſire more.

Of the two books of mine which were burnt together, under the ordinary imputations, there is but one which treats of political law and matters of government. If theſe ſubjects are mentioned in the other, it is only by way of extract from the former. Hence I ſuppoſe that the accuſation muſt fall ſolely on that. Again, if it had fallen on any particular paſſage, it had undoubtedly been cited. Some maxim or other would certainly have been extracted, either faithfully or unfaithfully, as hath been done with regard to the points reſpecting religion.

It muſt, therefore, be the ſyſtem eſtabliſhed throughout the body of the work, which is ſubverſive of all governments. Nothing more then is required, than to explain this ſyſtem, or to make an analyſis of my book: and if we do not in that ſee evidently the deſtructive principles in queſtion, we may know at leaſt where to look for them in the work, by purſuing the method of the author. But if in this analyſis, which will be but ſhort, any ſtriking conſequence ſhould ſuggeſt itſelf, pray be not impatient.

Wait,

Wait till we have reaſoned a little together; and then you may, if you pleaſe, return to them.

In what does the unity of the ſtate conſiſt? In the union of its members. And whence ariſes this union of its members? From the mutual obligations which unite them. So far then we are agreed.

But what is the baſis of this obligation? Here authors are divided. According to ſome, it is force; according to others, paternal authority; and again, according to others, the will of God. Each party maintains its own principle, and controverts thoſe of the others. I myſelf have done the ſame; and, adopting the moſt ſalutary ſentiments of thoſe who have diſcuſſed theſe ſubjects, have laid down the convention of its members as the foundation of the body politic, and have refuted the contrary opinions. This principle, independent of its truth, is preferable to all others for the ſolidity of the baſis it lays down: for what more certain foundation can be deviſed for any obligation among men than the voluntary engagement of thoſe who are bound? Every other principle will admit of ſome diſpute *; but this will admit of none.

By this condition of liberty, which includes others, all kinds of engagements are not valid, even before human tribunals. Thus, in order to determine the validity of this, we ought to explain the nature of it; we ought to diſcover its uſe

* Not excepting that of its being the will of God, at leaſt ſo far as regards the application of that principle. For tho' it be very certain that the will of man ought to be conformable to the will of God; it is not clear that God prefers one kind of government to another, nor that he requires men to pay obedience to James rather than to William.

uſe and end, to prove its convenience to mankind, and that it contains nothing contrary to the principles of natural law. For nations are no more permitted to infringe the laws of nature by the ſocial compact, than individuals are permitted to infringe the poſitive laws of the ſtate by their private contracts; and it is by virtue of theſe laws only that the very liberty exiſts which gives force to the engagement.

The reſult of this examination is, that the eſtabliſhment of the ſocial compact is an engagement of a ſingular ſpecies, in which every individual ſeverally engages himſelf to all the reſt; whence follows a reciprocal engagement of all towards each individual; which is the immediate object of the union.

I ſay this engagement is of a ſingular kind, in that, being abſolute, without condition or reſerve, it can neither be unjuſt nor ſuſceptible of abuſe; as it is impoſſible that the political body can deſire to hurt itſelf, ſo long as the whole act only with regard to the whole.

It is farther of a ſingular ſpecies, in that it binds the contracting parties, without reducing any one to a ſtate of ſubjection; and in that, by laying down their own will as their rule, they remain as much at liberty as before.

The will of all then becomes the order, the ſupreme rule; and this rule, being general and perſonified, is what is called the *Sovereign*.

It follows hence, that the ſovereignty is indiviſible, unalienable, and that it is eſſentially inveſted in all the members of the body.

But how does this abſtract and collective being act? It acts by the laws, and cannot act otherwiſe.

And

And what is a law? It is a public and ſolemn declaration of the general will, with regard to ſome object of common concern.

I ſay, on ſome object of common concern; becauſe the law would loſe its force, and would ceaſe to be juſt, if the object of it did not relate to the whole community.

The law cannot, by its nature, have any particular and individual object; although the application of the law falls, of courſe, upon particular and individual objects.

The legiſlative power, therefore, which is the Sovereign, ſtands in need of another power to execute, that is, to reduce the law into particular acts. This ſecond power ought to be eſtabliſhed in ſuch a manner as always to execute the law, and never to execute any thing but the law. Hence ariſes the inſtitution of government.

What is government? It is an intermediate body, eſtabliſhed between the ſubjects and the ſovereign, for their mutual correſpondence, and charged with the execution of the laws, and the preſervation of liberty as well civil as political.

The government, conſidered as a conſtituent part of the body politic, partakes of the general will, which it ſerves to conſtitute. As a particular body, it has alſo a will of its own. Theſe two wills ſometimes concur, and ſometimes differ. It is from the combined effect of this concurrence, and this difference, that reſults the whole play of the political machine.

The principle which conſtitutes the different forms of government, conſiſts in the number of members compoſing it. The leſs the number of theſe members, the greater is the force of the government; and the greater the number of its mem-

members, the more feeble is the government. And as the ſovereignty tends always to a loſs of ſtrength, the government tends always to gain it. Thus the executive body ought naturally in time to prevail over the legiſlative; and when the law is at length ſubjected to the will of men, they become of courſe nothing but ſlaves and maſters, and the ſtate is ruined.

Before this ruin comes on, the government ought, by the ſame natural progreſs, to change its form, and to paſs by degrees from the greater number to the leſs.

The different forms of which government is ſuſceptible, may be reduced principally to three. After having compared theſe three together, as well with regard to their advantages as inconveniences, I give the preference to that which is in the mean between both extremes, and bears the name of an Ariſtocracy.

It ought here to be obſerved, that the conſtitution of the ſtate, and that of government, are two things very diſtinct, and that I have by no means confounded them.

The beſt of governments is the ariſtocratical; the worſt of ſovereignties is the ariſtocratical.

Theſe diſcuſſions lead to others, relative to the manner in which they degenerate, and on the means of retarding the deſtruction of the body politic.

To conclude; in the laſt book I examine, by way of a compariſon with the beſt government that ever exiſted, *viz.* that of Rome, the police which is the moſt favourable to the good conſtitution of the ſtate. After this, I cloſe the book, and the whole work, by ſome inquiries into the man-

manner in which religion may and ought to enter as a conſtituent part into the compoſition of the body politic.

What think you, Sir, in reading this ſhort but faithful analyſis of my book? I can eaſily gueſs. You ſay within yourſelf, This is the hiſtory of the government of Geneva. The ſame hath been ſaid on a peruſal of that work by all who have been acquainted with the nature of your conſtitution.

And in fact, this primitive compact, this eſſence of ſovereignty, this empire of the laws, this inſtitution of government, this manner of confining it in various degrees in order to ſupply the want of authority by force, this tendency to uſurpation, theſe periodical aſſemblies, this addreſs to get rid of them; in a word, this approaching deſtruction which threatens you, and which I would have prevented; are not all theſe ſtriking features of your republic, forming a perfect picture of it from its birth to the preſent time?

I have taken your own conſtitution, therefore, which I thought a fine one, for the model of political inſtitutions, and by propoſing it as an example to the reſt of Europe, was ſo far from endeavouring to ſubvert it, that I pointed out the very means of preſerving it. Even this conſtitution, good as it is, is not without its defects; the alterations it hath ſuffered might be corrected indeed, to preſerve it from the danger it is in at preſent. I foreſaw this danger; I foretold it, and pointed out the preſervatives. Was it endeavouring to ſubvert a government, to point out the means of its preſervation? My attachment to your conſtitution made me deſirous that

nothing ſhould alter it. This is my whole crime. I have, perhaps, been wrong. But if a love for my country hath blinded me as to this particular, ought I to be puniſhed for it?

How could I mean to ſubvert all kind of governments, in laying down as principles all thoſe of yours? The fact alone deſtroys the force of the accuſation; for as a government really exiſted on ſuch a model, I could not intend, by ſuch means, to deſtroy all thoſe which exiſted. No, Sir, if I had deſcribed only an ideal ſyſtem, you may be certain nothing would have been ſaid about it. My adverſaries would have contented themſelves with adding the Social Compact to the Republic of Plato, Utopia, and the Severambes in the world of Chimeras. But I deſcribed an object really exiſting, and they were deſirous the face of this object ſhould be changed. My book bears witneſs againſt the attempt they were going to make; and this they will never forgive me.

One thing, however, will appear to you very odd; and this is, that it is ſaid to attack all other governments; and yet it is prohibited in none of them. It deſcribes only one, and propoſes it as an example to others; and under this, behold, it is burnt! Is it not ſomething very ſingular, that the governments attacked ſhould be ſilent, and that the government recommended ſhould take offence? What! doth the magiſtracy of Geneva ſtand up as protectors of other governments againſt their own? Do they puniſh one of their citizens for having preferred the laws of his own country to thoſe of other nations? Is this conceivable, and would you have believed it if you had not ſeen it? Hath the

the work been ſtigmatiſed in any other part of Europe? No, not even in the country where it was printed *; not even in France, where the magiſtrates have been ſo ſevere on this ſubject. Have they prohibited my book? Nothing like it. They did not permit, at firſt, indeed, the entry of the Dutch edition; but they ſoon after printed another in France, where the work is current without difficulty. The firſt reſtriction appears, therefore, to have been merely an affair of commerce, and not of policy: the profit of the French bookſeller was very reaſonably to be preferred to that of a foreigner. This was all.

The Social Compact has been burnt no where but at Geneva, where it was not printed. The magiſtrates of Geneva alone found in it principles deſtructive of all governments. It is true, indeed, they have not ſpecified what thoſe principles are; and in this they have, no doubt, acted very *prudentially*.

The effect of ſuch indiſcreet prohibitions is to have them never obſerved, and thus to weaken the force of their authority. My book is in the hands of every body at Geneva. Oh that the contents of it were as much in their hearts! Peruſe, Sir, this book, ſo much exclaimed againſt, though ſo neceſſary to be read. You will there ſee the laws always ſet above men. You will there ſee liberty conſtantly maintained, but always under the authority of the laws, without which liberty cannot exiſt, and under which

* In the heat of the clamours firſt raiſed by the proceedings at Paris and Geneva, the Magiſtrates in Holland prohibited theſe two books; but after a proper examination, they changed their ſentiments, particularly with regard to the Social Compact.

men are always free, after what mode ſoever they are governed. It may be ſaid, that by this I do not pay my court to ſovereigns. So much the worſe for them; for I ſtudy their true intereſts, if they knew how to ſee and adopt them. But men are blinded by their paſſions to their own good. Thoſe who ſubject the laws to human paſſions, are the real enemies to governments: theſe are the people who ought to be puniſhed.

The fundamental principles of the ſtate are the ſame in all governments; and theſe principles are better laid down in my book than in any other. And when afterwards I proceed to compare the different forms of government, the advantages and inconveniences of each cannot fail of being ſeparately eſtimated. This is what I conceive alſo I have done with impartiality. Every thing conſidered, I have given the preference to the government of my own country. This was natural and reaſonable; and I ſhould have been blamed if I had not done it. But then I have not done it, to the excluſion of all other governments. On the contrary, I have ſhewn that every one has its peculiar reaſons, which may render itſelf preferable to every other, according to time, place, and circumſtances of the people. Thus ſo far am I from ſtriving to ſubvert all governments, that I have endeavoured to eſtabliſh them all.

In ſpeaking of monarchical governments in particular, I have illuſtrated its advantages, and have as little concealed its defects. This I think to be the privilege of every man who reaſons; and though I had even condemned this ſpecies of government, does it follow that I ſhould be pu-

puniſhed for it at Geneva? Was Hobbes perſecuted in any monarchy, becauſe his principles are deſtructive to a republican form of government, or do kings proceed againſt authors who reject and depreſs republics? Is not the right reciprocal, and are not the republicans as much ſovereigns in their own country as kings are in theirs. For my own part, I have rejected no form of government, nor have contemned any. In examining and comparing them, I held the ballance impartially, and counted the weights: nothing more.

Reaſon ought never to be puniſhed, nor even argument; ſuch puniſhment proves too much againſt thoſe who inflict it. My Remonſtrants have very clearly ſhewn, that as my book, in which I never depart from general propoſitions, did not attack the government of Geneva, and was printed out of its territory; it ought to be conſidered only as a tract on natural and political law, over which the laws give the Council no manner of power; but which are publicly ſold throughout the city, whatever principles be advanced, or whatever opinions be maintained in them. I am not the only perſon who, in treating abſtractedly of political queſtions, hath treated them with boldneſs and freedom. Every one, it is true, does it not; but every one hath a right to do it: many make uſe of this right, and I am the only perſon who is puniſhed for it. The unfortunate Sidney thought as I do; but then he acted alſo. It was for his conduct, not for his writings, that he had the honour to be brought to the ſcaffold. Althuſius in Germany created himſelf many enemies; but he never ſuffered a criminal proſecution. Locke, Monteſquieu,

teſquieu, the Abbe de St Pierre, have all treated the ſame ſubjects, and often with the ſame freedom. Locke, in particular, hath treated them on the ſame principles as I have done. All three were born under kings, have lived in peace, and died honoured by their country. You know how I have been treated in mine.

Be aſſured, however, that ſo far from bluſhing at being thus ſtigmatiſed, I glory in it, as it ſerves only to prove the motive that hath occaſioned it; which motive is only the having deſerved well of my country. The behaviour of the Council towards me, indeed, afflicts me, as it breaks thoſe connections which I ever held dear. But can this diſgrace me? No. It does me honour, it raiſes me to the rank of thoſe who have ſuffered for liberty. My books, whatever may be done with them, will always bear teſtimony for themſelves; and the treatment they have received, will only ſave thoſe from diſgrace which may have the honour to be burnt after them.

PART THE SECOND.

LETTER VII.

The preſent ſtate of the government of Geneva, as ſettled by the edict of the mediation.

YOU muſt have found me, Sir, ſomewhat diffuſe; but it was neceſſary to be ſo: the ſubjects I had to treat of, were not to be diſcuſſed in epigrams. Beſides, theſe ſubjects did

did not lead me ſo far, as they ſeemed to do, from that which intereſts yourſelf. In ſpeaking of myſelf, I thought of you; and your queſtion was ſo dependent on mine, that one is already reſolved with the other, nothing remaining but to draw the conſequence of the argument. Where innocence is not ſecure, nothing can be ſo; whereſoever the laws are violated with impunity, liberty no longer exiſts.

As the intereſt of an individual, however, may be ſeparated from that of the public, your ideas on this head are ſtill uncertain; you perſiſt in deſiring my aſſiſtance to fix them. You aſk what is the preſent ſituation of your republic, and what its citizens ought to do? It is much eaſier to anſwer the firſt queſtion than the laſt.

This queſtion nevertheleſs is leſs perplexing in itſelf, than it is rendered by the contradictory ſolutions which are given to it round about you. You hear perſons of very good ſenſe ſay, We are the moſt free of any people on earth; while others equally ſenſible ſay, We live under the yoke of the ſevereſt ſlavery. Do you aſk me Which is in the right? Both, Sir, but in a different ſenſe. A very ſimple diſtinction will reconcile them. Nothing is more free than your ſtate by its conſtitution ſhould be, and nothing more ſlaviſh than your ſtate actually is.

Your laws have no authority but what depends on yourſelves: you acknowledge only thoſe of your own making; you pay no taxes but of your own impoſing; you make choice of your own chiefs, who have no right to govern but according to forms preſcribed by yourſelves. In general Councils, you are Legiſlators and Sovereigns, independent of any power upon earth;

you

you ratify treaties, and determine peace or war. Your own magiſtrates themſelves addreſs you as their *Magnificent*, *moſt honoured*, *and ſovereign Lords*. Such is your liberty. Now for your ſlavery.

The political body, charged with the execution of your laws, is the interpreter and ſupreme arbiter of them; making them ſpeak juſt as it pleaſes, or making them ſilent likewiſe at pleaſure. This body may even violate them, without your being able to help yourſelves; being itſelf above the laws.

The chiefs you make choice of have, independent of that choice, other powers which do not depend on you, and which they extend at the expence of thoſe who depend on them. Confined in your elections to a ſmall number of voters, all of the ſame principles, and actuated by the ſame motives of intereſt, you make a great parade of an election of very little importance. It would be of great conſequence to you in this affair to be able to reject every one of thoſe from whoſe number you are compelled to chuſe. Amidſt all the appearance of a free election, you are ſo reſtrained on every ſide, that you cannot chuſe a firſt ſyndic, nor a ſyndic of the guard. Neither the chief of the republic nor the commandant of the place are objects of your choice.

If none have a right to impoſe on you new taxes, you have as little right to throw off the old. The finances of the ſtate are upon ſuch a footing, that they are ſufficient to anſwer all purpoſes of government without your concurrence. The adminiſtration have no occaſion, therefore, to make any ſubmiſſion to you with that

that view; while all your privileges in this reſpect, are to be exempted in part, and to be never neceſſary.

The proceedings of the law are regularly preſcribed; but when the Council will not follow the legal method, nobody can compel them, nor oblige them to repair the irregularities they may commit. Of this I am unhappily a proof, and you know that I am not the only one.

In general Council, your ſovereignty is limited; you cannot act but when your magiſtrates pleaſe, nor ſpeak but when they interrogate you. If they have no mind even to aſſemble the general Council, your authority, your exiſtence, is annihilated, without your being able to oppoſe any thing but fruitleſs murmurings, which they are in a condition to deſpiſe.

In ſhort, though you are Sovereign Lords when aſſembled, you are afterwards nothing. Subordinate Sovereigns four hours a year, you are ſubjects the reſt of your lives, and given up without reſerve to the diſcretion of others.

It hath happened to you, Gentlemen, as it hath happened to all governments like yours. The legiſlative and executive powers, which conſtitute the ſovereignty, were not at firſt diſtinct. The people, being ſovereign, had a will of their own, and by their own act executed that will. But the inconvenience of the general concurrence of all to every thing, preſently obliged the people to make choice of particular members to execute their will. Theſe officers, after having fulfilled their commiſſion, gave up their account, and reaſſumed their former equality. By degrees theſe commiſſions became frequent, and at length permanent. Thus a body

was inſenſibly formed, whoſe action was conſtant. A body whoſe action is permanent and conſtant, cannot give an account of each ſingle act: it accounts only for the principal, and preſently arrives at ſuch a pitch as to account for none at all. The more active the executive power is, the more it enervates the legiſlative power. The will of yeſterday is ſuppoſed to be that of to-day; but the act of yeſterday does by no means diſpenſe with that of to-day. In fine, the inaction of the power that deſigns, ſubjects it to the power which executes; the latter rendering its actions by degrees independent, and preſently its will: thus inſtead of acting for the legiſlative power, it acts for itſelf. After this there remains in the ſtate only one acting power, which is the executive. Now the executive power is nothing but force; and where force only prevails the ſtate is diſſolved. This, Sir, is at length the final diſſolution of all democratical ſtates.

Caſt an eye over the annals of yours, from the time in which your Syndics, then only ſimple attorneys eſtabliſhed by the community to execute any particular affair, ſubmiſſively gave an account of their commiſſion, and became directly mere individuals again; to the time when theſe very Syndics, diſdaining the prerogatives of chiefs and judges, which they enjoyed by virtue of their election, preferred the arbitrary power of a body, the members of which are not choſen by the community, but which ſets itſelf above that community in defiance of the laws. Trace the progreſs of the circumſtances that ſeparated theſe two terms, and you will find at what

what point you now are, and by what degrees you are arrived at it.

A clear-sighted politician might have foretold above two centuries ago what hath happened to you. He might have then said, The institution you are forming is good for the present, but bad for the future. It is proper for the first establishment of public liberty, but improper for its preservation; as that which at present constitutes your security, will in a little time afford substance for forging your chains. Those three bodies, which are so intimately connected together that the activity of the greatest depends even on the least, will remain in equilibrio so long as the action of the greatest is necessary, and the legislation cannot dispense with the legislator. But when once the establishment is made, if the body which hath formed it want the power to maintain it, it must necessarily fall to ruin; so that your very laws will be the cause of your destruction.

This is precisely what hath really happened to you. It is, excepting the disproportion, the fall of the Polish government, by a contrary excess. The constitution of the republic of Poland is proper only for a government that hath nothing to do. Yours is, on the contrary, proper only so long as the legislative body continues to act.

Your magistrates have incessantly endeavoured to refer the supreme power of the Council-general to the Petty Council, by the gradation of the two-hundred. But their efforts have had different effects, according to the manner in which they have been exerted. Almost all their public enterprizes of this kind have failed; because

cauſe in ſuch caſes they have always met with reſiſtance, and becauſe in ſuch a ſtate as yours the public reſiſtance is always ſure of carrying its point, when it is ſupported by the laws.

The reaſon of this is evident. In every ſtate, it is either the law which commands, or the ſovereign. Now in a democracy, where the people are ſovereign, whenever inteſtine diviſions have ſuſpended all forms and ſilenced all authorities, that of the people alone remains; and wherever there is the majority, there reſide both law and authority.

If the citizens and inhabitants united are not the ſovereign, the Councils without them are ſtill much leſs ſo; as the latter make but the ſmaller number in point of quantity. When the ſupreme authority itſelf is called in queſtion, every thing at Geneva is reſtored to its primitive equality, according to the terms of the edict; which ſays, that *every one ſhall be content with the degree of citizen and burgher, without deſiring to promote himſelf, or to aſſume to himſelf any authority or command over others.* Out of the Council-general there is no other ſovereign than the law; but when the law itſelf is attacked by its miniſters, it belongs to the legiſlature to ſupport it. Hence it is, that wherever real liberty exiſts, the people have almoſt always the advantage in any diſtinguiſhed enterprize.

But it is not by ſuch enterprizes that your magiſtrates have brought things to the point at which they are now arrived. It hath been by means more ſlow and ſure, by moderate and repeated efforts, by alterations almoſt inſenſible; of which you could not foreſee the conſequence, and which indeed you could hardly perceive.

It

It is impoſſible for a people to be inceſſantly on their guard againſt every thing that may be attempted; while even their vigilance is made a ſubject of reproach to them. They are accuſed of being reſtleſs and turbulent, and of being always alarmed about nothing. But of theſe nothings, about which the public are ſo ſilent, the Council knows how in time to make ſomething. Of this what is now actually paſſing before your eyes, is a ſufficient proof.

The whole authority of the republic reſides in the Syndics, which are elected in the General Council. They there take the oath, becauſe it is before their ſuperior; and they take it in this Council only, becauſe it is to this alone it is reſponſible for its conduct, and for its fidelity in the due diſcharge of the oath they take. They ſwear to do juſtice faithfully and uprightly. They are the only magiſtrates who thus ſwear in this aſſembly; becauſe they are the only magiſtrates on whom that right is conferred by the ſovereign *, and who exerciſe it under its authority.

In the public trial of criminals, they ſwear al-

* It is not conferred on their Lieutenant but by deputation; for which reaſon, he takes no oath in the General Council. But the author of the Letters aſks *if the oath taken by the members of the Council is leſs obligatory? or if the execution of engagements made with the Deity itſelf depends on the place in which they are contracted?* No, certainly: but does it thence follow, that it is a matter of indifference in what place and by whoſe hands the oath is preſented? and does not the choice of theſe determine either by what authority it is impoſed, or to whom an account is to be rendered of its being duly obſerved? With what kind of politicians have we to do, that they muſt be put in mind of circumſtances ſo obvious? Are they really ignorant of them, or do they only pretend it?

ſo in the preſence of the people, by riſing up †, and raiſing their wands, *that they have paſſed an upright ſentence, without favour or affection; calling upon God to puniſh them if they have done the contrary.* And formerly the ſentence in criminal cauſes was paſſed and executed only in the name of the people, without mention being made of any other Council than that of the citizens; as may be ſeen by the ſentence of Morelli above tranſcribed; and by that of Valentine Gentil, mentioned in the *Opuſcula* of Calvin.

Now, you muſt plainly perceive, that this excluſive power, received thus immediately from the people, greatly reſtrains the pretenſions of the Council. It is natural for it, therefore, in order to ſhake off ſuch dependence, to endeavour by degrees to weaken the authority of the Syndics, to inveſt the Council with the juriſdiction they have received, and inſenſibly to tranſmit to this permanent body, whoſe members are not elected by the people, the great but tranſitory power of the magiſtrates, whom they do elect. The Syndics themſelves alſo, ſo far from oppoſing this change, will naturally be led to favour it; becauſe they are Syndics only every four years, and even may not happen to be ſo at all; whereas, whatever happen, they are members of the Council for life, the *Grabeau* being only a matter of mere form *.

This

† The Council is preſent alſo; but its members do not ſwear, but remain ſeated.

* According to the firſt inſtitution, the four Syndics newly elected, and the four ancient Syndics, rejected annually eight members of the remaining ſixteen of the petty Council, and propoſed eight new ones, which were referred to the ſuffrages of the two hundred, in order to be admitted or rejected. By inſenſible de-

This point being gained, the election of Syndics would become in like manner a ceremony as idle as that of holding general Councils: and the petty Council would behold very peaceably the exclusions or preferences which the people might give to its members for the Syndicate; when all that would in fact determine nothing.

In order to arrive at this end, however, an important step must at first be taken, of which the people are ignorant. This is, the disposing of the interior police of the Council; which, however regulated by the edicts, may be modeled as its members think proper *; there being no other power in the state to hinder it: for as to the Attorney-general, he is to be looked upon in this case as nothing †. But this is not

degrees, however, none of the old Council were rejected but such as had given occasion for censure; and when they had committed any great fault, their punishment was not remitted to the time of election, but they were immediately thrown into prison, and prosecuted like the meanest individual. By this method of anticipating their punishment and rendering it severe, the remaining members, being irreproachable, afforded no cause of exclusion; and this changed the custom into that vain and ceremonious formality which now goes by the appellation of *Grabeau*. An admirable effect this of free governments, by which even usurpations themselves cannot be established but on the basis of virtue!

Add to this, that the reciprocal privileges of both Councils will alone prevent either from making use of them, except in concert with each other, for fear of reprisals. The *Grabeau*, therefore, properly speaking, serves only to keep them united against the citizens.

* Thus, in the year 1665, the petty Council, and the two hundred, established in their corps the ballot and billets, contrary to the edict.

† The Attorney-general, instituted to be on the side of the law, is only on the side of the Council. Two causes almost always operate to the discharge of this function contrary to the spirit of its institution. One is a fault in the institution itself, which entitles that officer to rise to the Council; whereas an Attorney-general ought never to have any thing in view above his-

quite enough; the people muſt be even accuſtomed to this transfer of juriſdiction. To this purpoſe, tribunals, compoſed ſolely of counſellors, muſt not be erected at firſt to judge of important objects, but to determine matters leſs remarkable and little intereſting. At theſe tribunals commonly preſides a Syndic, in whoſe place is ſubſtituted ſometimes an ancient Syndic, then a counſellor, without any body's taking notice of it. This piece of management is repeated, till it becomes a cuſtom, and is then made uſe of in criminal caſes. On occaſions of greater importance, a court is formed for the trial of citizens. At this tribunal preſides a counſellor, under favour of the law of exceptions. The people's eyes are opened, and they complain; on which they are aſked, where is the cauſe of their complaint? The precedents are numerous; this is no innovation.

Such, Sir, are the politics of your magiſtrates. They introduce their innovations by ſlow degrees, without any body's foreſeeing the conſequence; and when they are at length perceived, and the people are deſirous to remedy them, they themſelves cry out againſt innovations. But

his preſent place, nor be permitted by the law to aſpire to any other. The ſecond cauſe is the imprudence of the people, who confer that office on perſons too intimately connected, by family-intereſt or otherwiſe, with the members of the Council; without conſidering that they thus fail not to employ againſt themſelves the arms deſtined to their defence.

I have heard ſome Genevans diſtinguiſh between being on the ſide of the people and being on the ſide of the law, as if they were not one and the ſame thing. The Attorneys-general ought, during their ſix years, to be the chiefs of the citizens, and after that to become their Counſellors. But are they not at preſent well protected and counſelled? Ought we not to congratulate them on the peculiar felicity of their choice?

But without departing from this example, let us hear what they have ſaid on this occaſion. They pleaded the law of exceptions: It was anſwered, "That the fundamental law of the ſtate required the citizens to be judged only by the Syndics. In the concurrence of the two laws, the latter ſhould certainly exclude the former; or, if we ſhould ſtand upon the obſervation of both, a Syndic ought to be elected *ad actum*." At this word all was undone! "A Syndic *ad actum*! What an innovation!" For my part, however, I ſee no ſuch novelty in it as they pretend. If they object to the word, it is made uſe of annually in our election: if to the thing, it is ſtill leſs new; the very firſt Syndics the city ever had were Syndics *ad actum*. When the Attorney-general himſelf is exceptionable, and is challenged; is not another made *ad actum*, to execute his functions? And what are the adjuncts, taken from the two-hundred to aſſiſt at the tribunals, but counſellors *ad actum*? When a new abuſe is introduced, it is no innovation to propoſe a new remedy for it. On the contrary, it is endeavouring to eſtabliſh things on their ancient footing. But theſe Gentlemen do not like that we ſhould thus rake into the antiquities of their city. It is only in thoſe of Rome and Carthage that they are willing you ſhould ſeek an explication of their laws.

I ſhall not undertake to draw a parallel between their enterpriſes which have ſucceeded, and thoſe which have failed. Suppoſing their number equal, there hath been no proportion between the ſum total of their effects. By every ſucceſsful enterpriſe they have gained ſtrength; and by every one that failed they have loſt only

time: whereas you who ſeek only, and ought to ſeek only, to preſerve your conſtitution; when you loſe, your loſs is real; and when you gain, you gain nothing. In running a career of this kind, how is it poſſible you can remain at the ſame point of diſtance?

Of all the æras which the inſtructive hiſtory of your government preſents to contemplation, the moſt remarkable in its cauſe, and moſt important in its effect, is that which produced the mediation. What firſt gave riſe to the deſtination of that æra, was an indiſcreet and untimely enterpriſe of your magiſtrates. Before they had ſufficiently grounded their own power, they wanted to uſurp the right of impoſing taxes. Inſtead of reſerving this for the laſt ſtroke, their avidity induced them to anticipate it, and that juſt after a commotion which was not entirely appeaſed. This error led them into others much greater, and more difficult to repair. It is amazing how ſuch ſubtle politicians came to be ignorant of a maxim ſo ſimple as that to which they ran retrogade on this occaſion. The people of every country never think you attack their liberty ſo violently as when you attack their purſe: which is never done by artful uſurpers, till they have carried every other point firſt. They wanted to reverſe that order, and found themſelves miſtaken *. The conſequences of this affair

* The object of the taxes impoſed in 1716, was the expence of the new fortifications. The plan of them was immenſe, and it has been in part executed. Such extenſive fortifications rendered a numerous garriſon neceſſary, and the deſign of this numerous garriſon was to keep the citizens and burghers in ſubjection.

So that the magiſtrates intended to put the citizens to the expence o

affair produced the emotions in 1734, and the horrid conſpiracy which was the conſequence.

This was a ſecond fault, worſe than the firſt. All the advantages of time were in their favour; theſe they deprived themſelves of, by the precipitancy of their deſigns, and put the machine in a ſtate to riſe up again to its origin at once. This is what muſt have happened in that affair. The events which preceded the mediation, occaſioned them to loſe a whole century, and produced another effect unfavourable for them. This was, the informing all Europe, that the citizens, whoſe privileges they wanted to deſtroy, and whom they deſcribed as a licentious populace, were capable of preſerving, amidſt their advantages, that moderation, which they themſelves were incapable of in the midſt of theirs.

I will not ſay, that the recourſe had to the mediation ought to be accounted as a third fault. The mediation was, or at leaſt appeared to be, offered them. Whether this offer was voluntary, or ſolicited, is what I neither can, nor am deſirous of coming to the knowledge of: I only know, that every body was ſilent when you ran the greateſt danger, and that this ſilence was not broken till the danger was on the other ſide. Add to this, that I ſhould be ſo much the more loath to impute to your magiſtrates the having implored the mediation, as it is in their eyes one of the greateſt crimes even to mention it.

A certain citizen, complaining once of an illegal

expence of the chains they were forging for them. The project was well formed; but as it proceeded in a retrograde order, it did not ſucceed.

legal, unjuſt, and diſhonourable impriſonment, deſired to know in what manner he might have recourſe to the Guaranty. The magiſtrate to whom this meſſage was addreſſed, was daring enough to reply, that the propoſition alone was deſerving of death. Now in the preſence of the Sovereign, the crime was as great, and perhaps greater, in the Council, than in a ſimple individual; and I do not ſee how a perſon could be worthy of death for a ſecond recourſe, rendered lawful by the Guaranty, which was the effect of the firſt.

One thing more: I do not undertake to diſcuſs a queſtion ſo delicate to treat, and ſo difficult to reſolve. I undertake merely to examine, with regard to the object before us, the ſtate of your government, formerly adjuſted by the regulation of the plenipotentiaries, but at preſent changed by the new enterpriſes of your magiſtrates. I am obliged to take a wide circuit in order to come to the point; but if you will take the trouble to follow me, we ſhall ſoon find whereabouts we are.

I have not the temerity to think of criticiſing this regulation; on the contrary, I admire its wiſdom and reſpect its impartiality. I think I can diſcover in it the moſt upright intentions, and the moſt judicious diſpoſitions. When we reflect how much circumſtances were againſt you in that critical moment, what prejudices you had to conquer, what credit to ſurmount, what falſehoods to invalidate; when we recollect with what confidence your adverſaries reckoned upon being able to cruſh you by the aſſiſtance of others; we cannot fail of doing honour to the zeal, conſtancy, and abilities, of your defenders; to

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the equity of the mediating powers, and the integrity of the plenipotentiaries who completed that peaceful work.

Whatever may be ſaid of it, the edict of the mediation was the ſalvation of the republic; and ſo long as it is not infringed; it will be its preſervation. If that good work was not, in itſelf perfect, it was relatively ſo: it was, with regard to time, place, and circumſtances, the beſt that could be for us. You ought to hold it, therefore, ſacred and inviolable, in point of prudence, if not in point of neceſſity; and you ought not to blot out a line of it, even if it were in your power to annihilate it. Beſides, the very reaſon for its being at all neceſſary, renders it all and altogether ſo. As all its articles forms an equilibrium, the alteration of a ſingle article deſtroys the whole. The more uſeful this regulation is, the more hurtful would it be if mutilated. Nothing could be more dangerous than many articles taken ſeparately and detached from the body of the whole. It is an edifice which had abſolutely better be levelled with the ground than ſhaken. Take away a ſingle ſtone from the arch, and you will ſoon be buried under its ruins.

Nothing is more eaſy than to diſcover, on examination, the articles which the Council would avail themſelves of, and thoſe they want to elude. You will not forget, Sir, the diſpoſition in which I undertake this examination. So far from adviſing you to touch upon the edict of the mediation, I would endeavour to ſhew how important it is for you not to meddle with it. If I ſeem to criticiſe on ſome articles, it is only to ſhew you of what conſequence it will be to take

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away thoſe which rectify them. If I appear to propoſe to expoſe expedients which do not relate to them, it is only to ſhew the inſincerity of thoſe who find unſurmountable difficulties where nothing is more eaſy than to remove thoſe difficulties. After this explanation, I enter upon the ſubject without ſcruple; being well perſuaded, that I write to a perſon too equitable to impute to me a deſign contrary to my real intention.

I am ſenſible, that if I addreſſed myſelf to ſtrangers, it would be neceſſary, in order to make myſelf underſtood, to begin by drawing a picture of your conſtitution; but a ſufficient ſketch of this picture is traced out for them by M. d'Alembert, in his article entitled *Geneva* in the Encyclopedie; and a more particular deſcription would be ſuperfluous for you, who are better acquainted with our laws and polities than I am myſelf, or who have at leaſt had an opportunity of a nearer view of their operations. I confine myſelf, therefore, to a review of thoſe articles of the regulation which relate to the preſent queſtion, and which may beſt furniſh us with a ſolution to it.

I ſee your government at firſt compoſed of five ſubordinate but independent orders, that is to ſay, neceſſarily exiſting, none of which could infringe the rights and privileges of the other; and in theſe five orders I ſee the General Council comprehended. In each of theſe five I diſcover a particular portion of government; but in neither do I ſee the conſtitutive power which eſtabliſhes and connects them, and on which they all depend. I do not there ſee the ſovereign. Now in every ſtate a ſupreme power is neceſ-

neceſſary, a centre to which every part relates, a principle from which all is derived, a ſovereign which can do every thing.

Imagine, Sir, that any one giving you an account of the conſtitution of England ſhould deliver himſelf in the following words: "The "government of Great Britain is compoſed of "four orders, neither of which can infringe the "rights and privileges of the others, viz. the "King, the Upper-houſe, the Lower-houſe, "and the Parliament." Would you not immediately tell him that he was miſtaken, and that there were but three orders? The Parliament, which, when the King is preſent, comprehends all the orders, is not a fourth; it is the whole. It is the ſole and ſupreme power, from which each deduces its exiſtence and privileges. Being inveſted with the legiſlative authority, it is capable of changing even the fundamental law, by virtue of which each of thoſe orders exiſts. It is capable, do I ſay? it has before now actually done it.

This anſwer is juſt, and the application of it evident; and yet there is ſtill this difference, that the Parliament of England is ſovereign only by virtue of the law, and then only by proxy and deputation: whereas the Council-general of Geneva is neither conſtituted nor deputed by any body. It is ſovereign in its own perſonal right. It is the living and fundamental law which gives life and ſtrength to the whole, and knows no other rights and privileges than its own. The Council-general is not any particular order of the ſtate: it is the ſtate itſelf.

The ſecond article imports, that the Syndics cannot be otherwiſe choſen than in the Council of

of twenty-five. Now the Syndics are the annual magiſtrates, which the people elect and chuſe, not only to be their judges, but to be their protectors, in caſe of need, againſt the perpetual members of the Councils, which they do not chuſe *.

The effect of this reſtriction depends upon the difference there is between the authority of the members of the Council and that of the Sndics. For if the difference be not very great, and a Syndic ſets no greater value on his annual authority as Syndic than on his perpetual authority as Counſellor, ſuch election will be a matter of indifference to him: he will do little to obtain it, and leſs to juſtify it. When all the members of the Council are animated by the ſame ſpirit, and purſue the ſame maxims; the people being unable to exclude any when the conduct of all is alike, or to chuſe any but Syndics already Counſellors, will be ſo far from ſecuring themſelves, by ſuch election, defenders againſt the encroachments of the Council, that they will only inveſt the Council with new powers of oppreſſion.

Although this choice took place in the origin of our inſtitution, ſo long as it was free, it had not

* In attributing the nomination of the members of the petty Council to the two-hundred, nothing was more eaſy than to ſettle it according to the fundamental law. It had been ſufficient to have added, that no perſon could be of the Council without having been firſt an Auditor. By this method the gradation of charges would have been better obſerved, and the three Councils had concurred to the choice of that which is the firſt mover; a circumſtance not only important, but indiſpenſible to the ſupport of the unity of the conſtitution. The Genevans may not perceive the advantage of this clauſe, becauſe the choice of Auditors is at preſent of little effect; but they would have judged differently of this matter, had the office of Auditor opened the only door of entrance into the Council.

not the ſame conſequences. When the people themſelves nominated the Counſellors, or when they nominated them directly by the Syndics which they had firſt nominated, it was indifferent and even advantageous for them to chuſe their Syndics from among the Counſellors which they had already choſen †; and it was then prudent to prefer ſuch chiefs as were already verſed in buſineſs. But a more important conſideration ought at this time of day to prevail over this. So true it is, that one and the ſame cuſtom may be productive of different effects, by the change of other cuſtoms which relate to them; and that it would be an innovation in ſuch a caſe not to make ſome innovation.

Article the third of this regulation is the moſt conſiderable. It treats of the Council-general lawfully aſſembled; it treats of it in order to fix the rights and prerogatives which are peculiar to it, and gives it ſeveral which the inferior Councils have uſurped. Theſe prerogatives are, on the whole, very fine, without doubt; but in the firſt place they are particularly ſpecified, and by that alone limited; that which is mentioned of courſe

† The petty Council, in its origin, was nothing more than a choice made among the people, by the Syndics, of certain ingenious or prudent perſons to ſerve them as aſſiſtants. Each Syndic made choice of four or five, whoſe office ended with his own; and often he even changed his aſſiſtants during the courſe of his Syndicate. L'Eſpagne was the firſt Counſellor for life in 1487, and he was appointed by the Council-general. It was not even neceſſary to be a citizen in order to diſcharge this office. The law reſpecting it was made on account of one Michael Guillet de Thonon, who, having been admitted into the privy Council, was baniſhed thence for having made uſe of a number of foreign artifices which he brought from Rome, where he had been educated. The magiſtrates of the city, then true Genevans and fathers of the people, held all ſuch ſubtilties in abhorrence.

excluding that which is not mentioned; nay, the very word *limited* is inſerted in the very article. Now it is eſſential to the very being of a ſovereign power to be unlimited. It is either capable of every thing, or it is nothing. As it eminently contains all the active powers of the ſtate, to which it gives exiſtence, it can acknowledge no other prerogatives than its own, and thoſe it communicates. Otherwiſe the poſſeſſors of theſe prerogatives would make no part of the body politic: they muſt be foreigners by thoſe prerogatives which do not belong to it, and the moral perſon, wanting unity, would at once diſappear.

This limitation is even poſitive with regard to taxes; the Council-general itſelf not having a right to aboliſh thoſe which were eſtabliſhed before the year 1714. In this reſpect, therefore, we find it ſubjected to ſome ſuperior power. What is that power?

The legiſlative power conſiſts in two things that are inſeparable; to make laws, and maintain them; that is to ſay, to have an inſpection over the executive power. There is no ſtate in the world, in which the ſovereign hath not this inſpection. Without this, all connection, all ſubordination between theſe two powers failing, the laſt would not depend on the firſt, and the execution would have no neceſſary relation to the laws; the *law* would be only a word of no meaning. The Council-general had always this right of protecting its own work; it hath always exerciſed it. Nothing is ſaid of it, however, in this article; and if this ſilence be not ſupplied by ſome other, your ſtate is, by that ſilence alone, totally ſubverted. This point is

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important; and I ſhall return to it hereafter.

If your privileges are on one ſide confined by this article, they are extended by it on the other, in the third and fourth paragraphs. But is that ſufficient compenſation? From the principles laid down in the ſocial compact, it is made evident, that, notwithſtanding the common opinion to the contrary, the alliances between different ſtates, declarations of war, and treaties of peace, are not acts of ſovereignty, but only of government; and this opinion is conformable to the cuſtom of thoſe nations who have beſt underſtood the true principles of politic law.

The exterior exerciſe of power is not adapted to the people; the great maxims of ſtate being above their comprehenſion. On this ſubject, therefore, they ought to rely on their chiefs, who, being better inſtructed with regard to theſe matters, have no intereſt in making treaties with foreign powers diſadvantageous to their country. Good order requires, that all external ſplendor ſhould be left to their chiefs; and that they ſhould attach themſelves only to what is domeſtic and ſolid. That which is moſt eſſential to every citizen is the obſervance of the laws at home, and the ſecurity of his perſon and property. So long as all goes right with regard to theſe, the Councils may be ſafely left to negotiate foreign affairs unmoleſted. It is not from this quarter the greateſt dangers are to be apprehended. It is about the individuals that the privileges of a people ought to be gathered; for when they can be attacked ſeparately, they are always ſubjected. I might here inſtance the wiſdom of the Romans; who, inveſting the

ſenate with the greateſt authority reſpecting foreign affairs, obliged it at home to pay reſpect to the meaneſt citizen. But we need not go ſo far for examples. The citizens of Neufchatel have conducted themſelves more prudently under their princes, than you under your magiſtrates *. They neither make peace nor war; they ratify no treaties: but they enjoy their privileges in ſecurity; and, as the law hath not preſumed that in a ſmall city a ſmall number of honeſt citizens ſhould become ruffians, they are ſtrangers to the odious cuſtom of impriſonment without previous trial. With you, at Geneva, you are always ſeduced by appearances, and neglect what is eſſential. You are too much engaged with the Council-general, and not enough with its particular members: it were proper to think leſs of authority, and more of liberty. But to return to the Councils-general.

Beſides the limitations of article IIId, the articles Vth and VIth preſent another, very ſingular and ſtrange: A ſovereign body, which can neither form itſelf, nor execute any operation of itſelf; but is abſolutely ſubjected, as well with regard to its activity as to the matters it treats, to ſubordinate tribunals. As theſe tribunals certainly will not approve of ſuch propoſitions as are particularly prejudicial to themſelves, if the intereſt of the ſtate ſhould ever be found in oppoſition to their own, the laſt will of courſe have the preference, becauſe it is not permitted the legiſlator to know any thing but what they approve.

By endeavouring to ſubject every thing to rule, the

* This may be ſaid excluſive of flagrant abuſes, which it is certain I am far from approving.

the firſt of rules was ſubverted; which is juſtice and the public good.

When will mankind be convinced that there is no diſorder ſo fatal as arbitrary power, by which they ſeek a remedy? This power is the worſt of all diſorders; while to make uſe of ſuch means to prevent them, is juſt the ſame as if one ſhould cut a man's throat to prevent his having the ſever.

If a large company were to form tumultuouſly, they may do a great deal of miſchief. In like manner, in a numerous aſſembly, however regular, if every one were to ſay and propoſe what came into his head, much time would be loſt in liſtening to abſurdities, and ſome danger might be run of acting abſurdly. Theſe are inconteſtible truths; but would it be a reaſonable method of preventing theſe abuſes, to make ſuch an aſſembly depend ſolely on thoſe who would annihilate it? or to prevent any one's making a propoſal in it, but thoſe who were intereſted in its deſtruction? Now, Sir, is not this exactly the ſtate of the caſe? and is there one man in all Geneva who can doubt, that, if the exiſtence of the general Council depended entirely on the petty Council, the general Council would be totally ſuppreſſed.

Yet this is the body which alone convokes thoſe aſſemblies, and which alone propoſes in them what it thinks proper: for, as to the Two-hundred, they only repeat the orders of the petty Council; and when this ſhall be delivered from the incumbrance of the general Council, it will ſuffer no embarraſſment from the Two-hundred; theſe will only follow after it, the road which they have beaten after you.

Now what hath any one to fear from a troubleſome ſuperior, of whom one ſtands in no need; who appears only when one permits him, nor ſpeaks but when he is ſpoken to? When he is reduced to ſuch a ſituation, may not one look upon one's ſelf as fairly quit of him?

If it be ſaid, that the law of the ſtate hath prevented the abolition of general Councils, in rendering them neceſſary to the election of magiſtrates, and giving ſanction to new edicts; I anſwer as to the firſt point, that all the force of government being transferred from the hands of the magiſtrates choſen by the people, to thoſe of the petty Council, which they do not chuſe, and from among which the principal magiſtrates are choſen, the election and the aſſembly in which it is made are no more than an idle and inconſiſtent formality; and that general Councils, held only for this purpoſe, may be juſtly accounted null and void. I anſwer farther, that, from the turn which things now take, it is very eaſy even to elude this law, without any interruption of buſineſs: for, let us ſuppoſe, that by the rejection of all the perſons offered, or under other pretexts, an election of Syndics cannot be made, would not the Council, into whoſe hands their juriſdiction inſenſibly falls, exerciſe it in default of the Syndics, as they now are independent of them? May one not venture to ſay already, that the petty Council, without the Syndics, conſtitute the government? Would the ſtate be leſs governed, therefore, without the Syndics? And as to new edicts; I anſwer, That they will never be ſo neceſſary, but that by the aſſiſtance of the elders, and their uſurpations, the ſame Council would find means to do with-

without them. Thoſe who ſet themſelves above the old laws, may well diſpenſe with the neceſſity of making new ones.

Every meaſure is taken to prevent your general aſſemblies from being ever neceſſary. The periodical Council inſtituted, or rather re-eſtabliſhed, in 1707*, was not only held but once, and that only to be aboliſhed; but by the fifth paragraph of the third article of the regulation, it hath been provided for without you, and that for ever, at the charge of the adminiſtration. There is only one caſe, and this is the chimerical one of an indiſpenſible war, in which the Council-general ought abſolutely to be convoked.

The petty Council, therefore, may actually ſuppreſs the general Councils, without ſuffering any other inconvenience than that of drawing upon itſelf a few remonſtrances, which it hath ſufficient power to evade; or of exciting ſome fruitleſs murmurs, which it may without danger deſpiſe; for by the articles VIIth, XXIIId, XXIVth, XXVth, and XLIIId, all kind of reſiſtance is forbidden in any caſe whatever, and the external reſources which may be applied to neither make a part of the conſtitution nor correct its defects.

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* Theſe periodical Councils are as old as the legiſlation, as may be ſeen by the laſt article of the Eccleſiaſtical Ordinances. In thoſe of 1576, printed in 1735, theſe Councils are fixed for every five years; but in thoſe of 1561, printed in 1562, they were fixed for every third year. It is hardly reaſonable to pretend that theſe Councils were aſſembled only for the reading of theſe ordinances, as the printing of them put it in every one's power to peruſe them at his eaſe and leiſure, without there being any neceſſity on that account to convoke a general Council. Unhappily, indeed, great pains have been taken to efface many ancient traditions, which would now be of great utility in explaining our edicts.

It is true, the petty Council does not always exert this power, because it is in reality a matter of indifference to them, and an appearance of freedom makes real slavery more patiently endured. On the contrary, it continues to amuse you at an easy rate, by elections of no manner of consequence, with regard to the power they confer, and the subjects made choice of, as well as with regard to the laws which appear important, but which it renders futile by observing them just as much and as little as it pleases.

Add to this, that nothing can be proposed, discussed, and deliberated, in these assemblies; the petty Council presiding there, either by itself, or by its Syndics; and exerting the whole spirit of its particular body. It is thus at once both the magistrate and master of the sovereignty. But is it not contrary to all sense and reason, that the executive body should regulate the police of the legislative; that it should prescribe the subjects of the latter's deliberation; that it should prohibit its privileges of thinking and judging for itself; and that it should exercise an absolute power, even with regard to the very acts made to lay it under proper restraint?

I grant that so numerous a body stands in need of some regulation and order; but this regulation and order ought not to subvert the very end of its institution †. And is it more difficult now to establish order, without slavery, among a few hundred men, naturally grave and phleg-

† The assemblies of the Councils-general were formerly very frequent at Geneva; and every matter of importance to the state was laid before them. In the year 1707, the Syndic Chouet advanced, in a famous harangue, that such frequency was

phlegmatic, than it was formerly in Athens, of which we have been ſpeaking, in an aſſembly of many thouſands of hot-headed citizens; or than

was a misfortune to the ſtate. We ſhall ſee preſently what we ought to think of it. He inſiſted much, alſo, on the exceſſive augmentation of the members, which rendered their frequent meetings at preſent impoſſible; affirming, that formerly the aſſembly did not exceed two or three hundred, whereas at preſent it amounts to thirteen or fourteen hundred. There is an exaggeration on both ſides.

The moſt ancient of our Councils-general conſiſted at leaſt of five or ſix hundred members; perhaps it would be difficult to point out one which had no more than two or three hundred. In 1420, the number of covenanters were ſeven hundred and twenty; and ſoon after above two hundred inhabitants more were admitted.

Now, though the city of Geneva is become more opulent, and hath more commerce, it hath not become more populous; its fortifications not permitting a greater extent of its walls, while they have effectually deſtroyed its ſuburbs. Beſides, as it hath hardly any territory, and lies at the mercy of its neighbours for ſubſiſtence, it could not have grown greater without growing weaker. In 1404, there were reckoned thirteen hundred houſes, containing at leaſt thirteen thouſand ſouls. At preſent there are no more than twenty thouſand; a proportion very far from that of three to fourteen. Now from this number muſt be deducted that of the natives, inhabitants and foreigners, who do not enter into the compoſition of the Council-general: a number greatly increaſed in proportion to that of the citizens, ſince the expatriation of French refugees and the progreſs of induſtry. Some general Councils of our times have amounted to fourteen and even to fifteen hundred; but in common they do not come near that number. Nay, if they ever riſe to thirteen hundred, it is only on thoſe critical occaſions, in which every good citizen would think himſelf deficient in his duty if he were abſent; and in which the magiſtrates, on their part, muſter up all their partizans from without, to ſupport their meaſures. Now ſuch meaſures being unknown till the fifteenth century, they required no ſuch expedients: the number in common is between eight and nine hundred: ſometimes it is even leſs than that of the year 1420, particularly when the aſſembly is held in ſummer, and the objects of its deliberation are unimportant. In 1754, I was myſelf preſent at a general Council, in which there were by no means ſeven hundred members.

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than it was to do it in the metropolis of the world, where the very body of the people were poſſeſſed in a great meaſure of the executive power; or than it is even now in the great Council at Venice, full as numerous as your Council-general? Complaints have been made of the irregularity that prevails in the Parliament of England: and yet in this large aſſembly, compoſed of above ſeven hundred members; in which ſuch important affairs are managed, ſo many contrary intereſts claſh, and ſo many cabals are formed; in which each member hath a right to ſpeak; the buſineſs of the nation is regularly and expeditiouſly tranſacted. Among you, nevertheleſs, whoſe intereſts are ſo ſimple, and whoſe affairs are ſo little complicated that they ſeem in the compariſon no more than thoſe of a private family, a trifling buſtle puts all into a fright, as if the whole government was going to be ſubverted. The police of your general Council, Sir, is one of the moſt eaſy things in the world. Let it be eſtabliſhed only with a real view to the public good, and every member of it will remain free, and buſineſs will be tranſacted in it with greater tranquillity than at preſent.

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From theſe ſeveral conſiderations, duly weighed, it will follow, that the Council-general is not more numerous than it hath been for two or three centuries paſt, or at leaſt that the difference is very inconſiderable. Yet in early times every body had the liberty of ſpeaking there; nor were the regularity and decorum, now ſubſiſting in it, at that time eſtabliſhed. They were ſometimes a little noiſy and tumultuous; but the people were free, the magiſtrates were reſpected, and the Council aſſembled often. The Syndic Chouet, therefore, advanced a falſehood, and reaſoned as falſely on what he advanced.

Let us ſuppoſe, that, in the regulation of this aſſembly, the very contrary method was followed to what is purſued at preſent; that, inſtead of aſcertaining the privileges of the general Council, thoſe of the other Councils were to be determined firſt. For by knowing the latter, the former may be known alſo; in which caſe it muſt be owned, that the petty Council alone would be found poſſeſſed of ſtrange powers and prerogatives for a free democratical ſtate; and theſe veſted in Chiefs whom the people do not make choice of, and who remain in office all their lives.

In the firſt place, there is the union of two things, every where elſe incompatible, *viz.* the adminiſtration of ſtate-affairs, and the executive part of juſtice on the properties, lives, and reputations of the citizens.

An order the loweſt of all in its rank, and the higheſt in power.

An inferior Council, which is nevertheleſs the life and ſoul of the republic; which alone is capable of making any propoſal; which is the firſt to decide; and whoſe ſole voice, even in its own cauſe, permits not its ſuperiors to have any voice at all.

A political body, which acknowledges the authority of another, and which alone has the nomination of the members of that body to which it is ſubordinate.

A ſupreme tribunal, from which one may appeal; or rather, on the contrary, an inferior judge, who preſides at tribunals ſuperior to his own; who, after ſitting as an inferior judge in the tribunal from which the appeal is made, not only goes to ſit as ſupreme judge in the tribunal

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appealed to, but hath no other colleagues in that ſupreme tribunal than ſuch as he himſelf chuſes.

An order, in fine, which alone hath its principle of action within itſelf; which gives that principle to all the reſt; and which, ſupporting the reſolutions it hath taken amidſt them all, determines twice, and votes three times *.

The appeal from the petty Council to that of the Two-hundred, is really child's play; as mere a political farce as ever was carried on in the world. Thus this appeal is not properly called an appeal: it is a favour deſired of juſtice; a recourſe in arreſt of judgment; in ſhort, it is not eaſy to ſay what it is. Is it to be ſuppoſed that, if the petty Council were not very ſenſible that this laſt recourſe could be of no effect, it would voluntarily ſuffer itſelf to be ſtripped of it, as it does? This diſintereſtedneſs is not one of its maxims.

If the deciſions of the petty Council are not always confirmed by the Two-hundred, it is otherwiſe only in the particular and contradictory affairs of individuals; in which it is of no conſequence to the magiſtracy which of the parties gain or loſe the cauſe. But in all public affairs, in all thoſe wherein the Council itſelf is intereſted,

* In a republican ſtate there ought to be a language ſet apart for the purpoſes of government. Thus, for example, to *deliberate*, to *determine*, to *vote*, are three things very different, and yet not ſufficiently diſtinguiſhed. To *deliberate*, is to weigh the arguments for and againſt a thing. To *determine*, is to give one's opinion, and aſſign the motives for it. To *vote*, is to give one's ſuffrage; when nothing more remains than to collect the voices. At firſt ſetting out, the matter is under deliberation; the next ſtep is to determine, and the laſt to vote. Legal tribunals have almoſt every where the ſame forms; but as in monarchies the public have no need to learn the terms, they remain conſecrated to the bar.

eſted, is the injuſtice it commits ever repaired by the Two-hundred? Doth the latter ever protect the oppreſſed, or refuſe to confirm every thing that is done by the Council? Can a ſingle inſtance be brought, in which it hath honourably made uſe of its prerogative to favour the appellant. It is with regret I recall to mind a terrible inſtance of its inexorability. A certain citizen, whom the Council had ſacrificed to its vengeance, had recourſe to the Two-hundred; this unfortunate perſon ſtooped ſo low as to ſue for favour: his innocence was notorious; all order of law had been violated in the proſecution carried on againſt him: yet all favour was refuſed him, and the innocent periſhed. Fatio was ſo ſenſible of the inutility of having recourſe to the Two-hundred, that he did not deign to make any ſuch application.

I am very ſenſible what the aſſembly of the Two-hundred is at Zurich, Berne, Fribourg, and in other ariſtocratical ſtates;. but I cannot ſee of what uſe it is in your conſtitution, nor what rank it holds there. Is it a ſuperior tribunal? If it be, it is abſurd for the inferior tribunal to ſit in it. Is it a body repreſentative of the ſovereign? If it be, the conſtituents have a right to chuſe their repreſentatives. The eſtabliſhment of the Two-hundred could have no other end than to moderate the enormous power of the petty Council; whereas, on the contrary, it only gives a new and additional weight to this ſame power. Now every political body, which conſtantly acts againſt the ſpirit of its inſtitution, muſt be badly inſtituted.

But what ſignifies expatiating on circumſtances ſo notorious that no Genevan is ignorant of them?

them? the Council of the Two-hundred is in itſelf nothing; it is no more than the petty Council appearing under another form. It attempted, indeed, once to ſhake off the yoke of its maſters, and to aſſume an independent exiſtence; by which effort alone the ſtate had like to have been ſubverted. It is to the Council-general only that the Two-hundred owe even the appearance of authority. This was ſeen very evidently at the time I am ſpeaking of; and will be ſeen better hereafter, if the petty Council ſhould carry the point it hath in view. For while the Two-hundred join the latter in their endeavours to ſuppreſs the general Council, they labour to effect their own ruin; and, if they think to follow the example of the Two-hundred of Berne, they are groſly miſtaken: but there hath been almoſt always obſervable, in this body, a very ſmall ſhare of underſtanding and a leſs degree of fortitude; nor can it be otherwiſe, from the manner in which it is compoſed *.

You ſee, Sir, that inſtead of aſcertaining the pre-

* I mean in general, and with regard to the ſpirit of the body; for I know that there are ſome very ſenſible and patriotic members among them; but being conſtantly under the eye of the petty Council, lying at its mercy without relief, and ſenſible they would be abandoned by the reſt of their body, they abſtain from making fruitleſs efforts, which would only ſerve to ruin them. The vile majority make a noiſe, and triumph. The prudent man is ſilent, and utters his ſighs in ſecret.

Not that the two-hundred were always held in ſuch diſcredit as they are now fallen into. They were formerly entitled to the public eſteem; and to the confidence of the citizens. Hence they were permitted quietly to exerciſe the prerogatives of the Council-general, which the petty Council afterwards ſecured by indirect means to itſelf: A new proof of what will be hereafter advanced, viz. that the citizens of Geneva are far from being turbulent, or eager to intermeddle in affairs of ſtate.

prerogatives of the ſovereign Council, it would be much more uſeful to aſcertain the rights and privileges of thoſe bodies which are ſubordinate; and without going any farther, you ſee ſtill more plainly, that, by virtue of certain articles ſeparately taken, the petty Council is the ſupreme diſpenſer of the laws; and, by them, of the lives and fortunes of individuals. When we reflect on the rights and privileges of the citizens and burghers, aſſembled in the general Council, nothing can be more captivating. But when we conſider the ſame citizens as individuals apart, what do we ſee them become? The ſlaves of an arbitrary power, lying defenceleſs at the mercy of five-and-twenty tyrants. The Athenians had at leaſt thirty. What do I mean by five-and-twenty? Nine are ſufficient to determine a civil cauſe, and thirteen a criminal one. If ſeven or eight of this number are agreed, they are to you as bad as ſo many Decemvirs. But even the Decemvirs were choſen by the people, whereas none of your judges are objects of your choice: and yet you call yourſelves free!

LETTER VIII.

The ſpirit of the edict. The counterpoiſe it gives to the ariſtocratic power. The attempt of the leſſer Council to annihilate that counterpoiſe. An examination of the inconveniences alledged. The ſyſtem of the edicts relative to perſonal impriſonments.

I HAVE deduced, Sir, my examination of your pre-

preſent government from the regulations of the mediation; by which that government is fixed. But I am ſo far from imputing to the mediators any deſign to reduce you to a ſtate of ſlavery, that I could eaſily prove, to the contrary, that they have rendered your ſituation better in many reſpects than it was before the troubles which obliged you to accept of their good offices. They found your city up in arms; at their arrival all was in a ſtate of anarchy and confuſion, which would not admit of their deducing from that ſtate any rule for their conduct. They recurred back, therefore, to more pacific times, and ſtudied the primitive conſtitution of your government. Neither reaſon nor equity admitted of their giving you any other; and if they had, you would not have accepted it. Not being able, therefore, to remove its defects, they confined their views to the confirming it ſuch as it had been tranſmitted to you by your anceſtors. They even corrected it in ſeveral points; for as to the abuſes I have juſt remarked, there was not one of them which did not exiſt in the republic long before the Mediators interfered with it. The only injury they ſeem to have done you, lies in having deprived the legiſlature of the executive power, and the uſe of force in the ſupport of juſtice: but in affording you at the ſame time another reſource equally certain and more lawful, they converted this apparent evil into a real benefit. In becoming guarantees of your rights and privileges, they ſaved you the trouble of defending them yourſelves. And what benefit, alas! amidſt the miſerable uncertainty of human affairs, is worth purchaſing with the blood of our fellow-citizens? Even

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liberty itſelf is too dearly bought at that price!

The Mediators may have been miſtaken; they were but men; but they certainly did not intend to deceive you; they wanted to be juſt. This is evident and demonſtrable; every thing ſerving, in fact, to ſhew, that whatever is equivocal or defective in what they have done, aroſe frequently from neceſſity, ſometimes from miſtake, but never from ill deſign. It was their buſineſs to reconcile things almoſt incompatible; the rights of the people, and the pretended prerogatives of the Council; the influence of the laws, and the perſonal influence of the magiſtrates; the independence of the ſtate, and the guaranty of the regulation. All this could not be effected without a little contradiction; and it is of this contradiction your magiſtracy now takes the advantage, in converting every thing into its own favour, and making uſe of one half of your laws to violate the other.

It is evident, at firſt ſight, that the regulation itſelf is not a law which the Mediators wanted to impoſe on the republic, but only an agreement which they have eſtabliſhed between its members; and that of courſe they have made no infringement on the ſovereignty. This is evident, I ſay, by article XLIVth, which leaves to the Council-general, lawfully aſſembled, the right of altering the articles of the regulation juſt as it may at any time ſeem convenient. Thus the Mediators did not ſet their will above that of the government; they only interfered in a caſe of actual diviſion. This is the ſenſe of article XVth.

But from hence alſo the reſerves and limitations to the rights and prerogatives of the Coun-

cil-general, laid down in article 111, become null and void: for if this Council ſhould at any time take it in their heads to determine that their power was not reſtrained by ſuch reſerves and limitations, they would no longer be legally reſtrictive; and when all the members of a ſovereign ſtate regulate its powers over themſelves, who hath any right to oppoſe them? The excluſions, therefore, which may be inferred from article 111, ſignify nothing more than that the Council-general is reſtrained within ſuch limits, till it thinks proper to exceed them.

This is one of the contradictions I ſpoke of, and of which the cauſe is eaſily explained. Beſides all this, it was very difficult for the plenipotentiaries, who had been uſed to maxims of government very different, to inquire deep enough into the true principles of yours. The democratical conſtitution hath been hitherto very ſuperficially examined. All thoſe who have treated this ſubject, were either ignorant of it, too little intereſted in it, or intereſted to miſrepreſent it. None of them have ſufficiently diſtinguiſhed the ſovereign from the government, the legiſlative power from the executive. There is no other mode of government in which theſe two powers are ſo ſeparate, and in which they have been ſo much confounded, by the affectation of writers. Some of them conceive, that a Democracy is a government in which the whole people are the magiſtrate and judge: Others, having no other notion of liberty than the right of electing Chiefs, and the not being ſubject to Princes, conceive that he who commands is always the Sovereign. The democratical conſtitution is certainly the maſter-piece of political

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art: but the more admirable the mechaniſm of it, the leſs are common eyes capable of inſpecting into it. Can any thing be more certain, Sir, than that the firſt precaution of admitting no general Council to be lawfully aſſembled but what is convoked by the petty Counſel; and the ſecond, of admitting no propoſal to be made in this general Council without the approbation of the ſaid petty Council; are of themſelves ſufficient to keep the Council-general in a ſtate of total dependence? The third precaution, therefore, of leaving the deliberatiou of the matters before them to that Council, is the moſt ſuperfluous thing in the world; the petty Council finding no inconvenience in letting the general one enjoy all its ſupreme prerogatives, while it can make no uſe of them any farther than the petty Council is pleaſed to permit. In not limiting the prerogatives of the ſovereign power, it was not rendered, in fact, leſs dependent, and an inconſiſtency was avoided: which proves, that, for want of a thorough knowledge of your conſtitution, precautions were taken as fruitleſs in themſelves as contradictory in their object.

It may be ſaid, that theſe limitations were deſigned only to point out the caſes in which the inferior Councils ſhould be obliged to aſſemble the Council-general. This I underſtand very well; but would it not have been more ſimple and natural to have pointed out the prerogatives of thoſe very Councils themſelves, and the power they might exert without the concurrence of that ſuperior Council? Were the limits leſs fixed by what lay on one ſide than by what lay on the other? and when the inferior Councils ſhould treſpaſs on ſuch bounds, is it not clear

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that they had need to be authoriſed? By this means, I confeſs, a plainer view would be had of the many prerogatives lodged in the ſame hands; but then the objects would have been repreſented in their real light, the means of aſcertaining the reſpective privileges to the different bodies would have been deducible from the nature of the thing, and all contradiction would have been avoided.

The author of the Letters *, indeed, pretends, that the petty Council, being the government itſelf, ought, by virtue of that title, to exerciſe all the authority which is not directly veſted in the other political bodies of the ſtate. But this is in a manner to ſuppoſe its authority prior to the edicts; it is to ſuppoſe the petty Council is the primitive ſource of power, and therefore poſſeſſes all thoſe prerogatives it hath not alienated. Can you diſcover, Sir, in this notion, any of the principles of our conſtitution? So curious a proof deſerves a little of our attention. It is in the firſt place to be remarked, that the Letter-writer is treating of the power of the petty Council ſet in oppoſition to that of the Syndics, that is to ſay, of each of thoſe two powers ſeparated from the other. The Edict ſpeaks of the power of the Syndics without the Council; it ſays nothing of the power of the Council without the Syndics. And why ſo? Becauſe the Council without the Syndics is the government. The very ſilence, therefore, of the edicts concerning the power of the Council, is ſo far from proving its nullity, that it proves its extent. A new and curious inference this! We may

* Letters from the Country, p. 66.

may admit it, however, if the antecedent be proved.

If it is becauſe the petty Council is the government that the edicts are ſilent about its power, they might ſay at leaſt that it was ſo; leſt their ſilence ſhould tend to eſtabliſh the contrary of what they have ſaid.

Now I deſire to know in which of your edicts it is ſaid that the petty Council is the government; and till this can be ſhewn me, I will ſhew you in what edict it is declared to the contrary. In the preamble to the political edict of 1568, we find the following words: *Whereas the government and ſtate of this city conſiſts of four Syndics, the Council of Twenty-eight, the Council of Sixty, the Two-hundred, the General, and a Lieutenant in the ordinary courſe of juſtice, with other offices, as good order requires, as well for the adminiſtration of the common-weal as for that of juſtice, we have recollected the order which hath been hitherto obſerved—to the end that it may be preſerved for the future—as follows.*

Again, in the firſt article of the edict of 1738, I obſerve it ſaid, that *five orders compoſe the government of Geneva.* Now of theſe five orders, the four Syndics conſtitute but one; the Council of twenty-five make another; in which the four Syndics are certainly comprehended, as they are alſo in the three others. The petty Council, therefore, without the Syndics, is not the government.

I open the edict of 1707, and I ſee the fifth article tells me in expreſs terms, that *Meſſieurs the Syndics have the direction and government of the ſtate.* I ſhut the book, therefore, and ſay, that according the edicts, the petty Council without

without the Syndics is not the government, notwithſtanding the Letter-writer affirms it is.

It may be ſaid, that I myſelf, in theſe very Letters, often impute the government to the petty Council. I confeſs it; but it is to the petty Council preſided over by the Syndics; and in that caſe it is certain that the government proviſionally reſts there, conſidered in the ſenſe which I have annexed to that word. But this is a very different ſenſe to that which the Letter-writer aſſigns to the term government. In my ſenſe of the word, government is poſſeſſed of no other powers than thoſe which are given it by the laws: on the contrary, in his ſenſe, government is poſſeſſed of all power, and of this the law cannot deprive it.

The objection of the Remonſtrants, therefore, remains in its full force, which advances, that when the edict ſpeaks of the Syndics, it ſpeaks of their power; and when it ſpeaks of the Council, it ſpeaks of its duty. I ſay, that this objection remains in its full force; for the Letter-writer replies to it only by an aſſertion contradicted by all the edicts. You will do me a pleaſure, Sir, if I am miſtaken, to point out the error in my reaſoning.

That author, however, very well content with his, aſks *how it can be conceived, that, if the Legiſlature had looked upon the petty Council in ſuch a light, it did not regulate its authority by any clauſe of the edict? that it ſuppoſed its authority throughout, but did not any where determine it* *?

I ſhall endeavour to explain this profound myſtery. The Legiſlature did not expreſsly regulate the power of the Council, becauſe it gave it

* Ibid. p. 67.

it none independent of the Syndics; and when it ſuppoſed it veſted with authority, it was on the ſuppoſition of the Syndics preſiding in it. It had determined that of the Syndics, therefore it was needleſs to ſay any thing of the authority of the Council. The Syndics, it is true, cannot do every thing without the Council; but the Council can do nothing without the Syndics: it is, in fact, nothing without them; it is leſs than the Two-hundred, even when the auditor Sarrazin preſided.

This I conceive to be the only reaſonable manner of explaining the ſilence of the edicts concerning the power of the petty Council; but this is not a manner of reaſoning the magiſtrates chuſe to adopt. Their very ſingular interpretations had been prevented, if a contrary method had been purſued in the regulation, and inſtead of aſcertaining the prerogatives of the Council-general it had determined theirs.

How many things, contrary to public liberty and the rights and privileges of the citizens, might not ſtill be added! All theſe diſadvantages, however, which aroſe, or ſeemed to ariſe, from your conſtitution, and which cannot be corrected without running it in danger, have been balanced and repaired with the greateſt wiſdom by compenſations ariſing from the ſame ſource; and this was exactly the intention of the Mediators, which, according to their expreſs declaration, was *to preſerve to each party its particular rights and privileges, conſiſtent with the fundamental law of the ſtate.* M. Micheli du Cret, embittered by his misfortunes againſt this tranſaction, in which he was forgotten, accuſes it of having ſubverted the fundamental

mental conſtitution of government, and of depriving the citizens and burghers of their privileges; without regarding how thoſe privileges, both public as well private, were preſerved or reſtored by that edict in the articles III, IV, X, XI, XII, XXII, XXX, XXXI, XXXII, XXXIV, XLII, and XLIV; without reflecting that the force of all theſe articles depends on one alone, which hath been preſerved alſo: An eſſential article, equivalent to all thoſe which are contrary to your intereſt; and ſo neceſſary to the effect of thoſe which are in your favour, that they would be all uſeleſs if this were eluded, as hath been attempted. We come now to the important point; but in order to be fully ſenſible of that importance, it is neceſſary to weigh properly what hath been already laid down.

Many have been the attempts to confound independence and liberty: two things ſo eſſentially different, that they reciprocally exclude each other. When every one does what he pleaſes, he will of courſe often do things diſpleaſing to others; and this is not properly called a free ſtate. Liberty conſiſts leſs in acting according to one's own pleaſure, than in not being ſubject to the will and pleaſure of other people: it conſiſts alſo in our not ſubjecting the wills of other people to our own. Whoever is the maſter over others is not himſelf free, and even to reign is to obey. Your own magiſtrates know this better than any body; thoſe who, like Otho, decline no ſervility in order that they may be able to command *. I know of no will that is

* *Mankind in general* (ſays the author of the Letters from the country) *fear more to obey than they love to command.* Tacitus,

is truly free, but that to which none have a right to oppoſe reſiſtance: now in the common ſyſtem of liberty no one hath a right to do that which the liberty of another oppoſes; and true liberty is never deſtructive of itſelf. Thus liberty without equity is a palpable contradiction; for, take it how we will, every thing muſt cauſe reſtraint in the execution of a licentious will.

There is then no ſuch thing as liberty without laws, nor where any one is above the laws; even in a ſtate of nature, man being no otherwiſe free than by virtue of that natural law, which is binding to all. A free people are ſubjects, but not ſlaves; they obey, but do not ſerve; they have chiefs, but no maſters: they are obedient to the laws, but to them only; and it is by the force of thoſe laws that they are ſecured from paying obedience to men. All the barriers that are erected in republican governments againſt the power of the Magiſtrates, are raiſed only to preſerve the ſacred repoſitory of the laws from their infringement. Magiſtrates are the miniſters, not the arbiters, of the laws;

citus, who was a good judge of the human heart, thought differently. If this maxim indeed were true, the ſervants of the great would be leſs inſolent to trades-people, and we ſhould ſee fewer flatterers cringing at the courts of Princes. There are few men whoſe hearts are ſincere enough to love liberty: all would command, and at that price none fear to obey. A little upſtart will ſubject himſelf to a thouſand maſters, in order to acquire ten ſervants. To prove this, we need only look upon the vanity and ambition of the Nobility in monarchical governments. With what emphaſis do they pronounce the word *ſervice!* How proud are they of having *ſerved!* And how great and reſpectable do they think themſelves when they are entitled to the honour of ſaying *the King my maſter!* How do they affect to deſpiſe republicans, who are nothing more than free, and are certainly more noble in fact than themſelves!

they ought to protect, not to break them. A people are free, whatever be their form of government, when thoſe who govern appear only as the organs of the law. In a word, liberty always follows the fortunes of the laws, it reigns or periſhes with them. I know nothing more certain.

You have good and wiſe laws, whether it be that they are ſo in themſelves, or whether it be merely becauſe they are laws. Every condition impoſed on individuals by the whole body, never can be burdenſome to any: and the worſt laws are ſtill better than the beſt maſters; for every maſter will have reſpect to perſons, whereas the laws are ever impartial.

Since the conſtitution of your ſtate hath taken a fixed and ſtable form, your functions of legiſlature are at an end. The ſecurity of the edifice requires, that at preſent there ſhould be as many obſtacles to the impairing it, as at firſt it required conveniences to conſtruct it. The negative right of the Councils, taken in this ſenſe, is the ſupport of the republic. The 6th article of the regulation is clear and preciſe; and on this head I ſubſcribe to the arguments of the Letter-writer, which are unanſwerable; ſo that whenever this privilege, ſo juſtly reclaimed by your Magiſtrates, ſhould happen to be contrary to your intereſts, you ſhould bear it with patience. Honeſt men ought never to ſhut their eyes againſt evidence, nor diſpute againſt the truth.

The work is compleated, and nothing now remains but to render it unalterable. Now the work of the legiſlature never alters, and is to be deſtroyed only in one way; this is when the depoſi-

positaries of this work abuse their trust, and make themselves obeyed in the name of the laws, which they themselves disobey *. In this case the best thing is productive of the worst; and the law, which should serve as a bulwark against tyranny, is more fatal than tyranny itself. This is what is prevented by the privilege of representation stipulated in your edicts, and restrained but confirmed by the Mediation. This privilege entitles you to the inspection, not of the act of legislation, as at first, but of the administration of the laws. While your Magistrates, all powerful in the name of the laws, sole masters to propose new ones to the legislature, are subject to its decisions when they depart from such as are established.

By this article alone, your government, otherwise subject to many considerable defects, becomes the best that ever existed: for what government can be better than that of which all the parts are balanced in perfect equilibrio; in which individuals cannot transgress the laws, because they are subject to proper judges; and in which those judges cannot transgress them

* The people never yet rebelled against the laws, unless provoked by some oppression in their chiefs. It is on this certain principle that in China, whenever there is a revolt in any of the provinces, the Governor is the first person punished. In Europe, our Kings constantly follow a different maxim, and therefore we see how little their states prosper. Population diminishes here a tenth part in every thirty years, whereas in China it doth not diminish at all. The oriental despotism supports itself, because it is more severe on the great than on the populace: it therefore finds in itself its own remedy. I am told that they begin to adopt the Christian maxim at Constantinople. If so, we shall soon see the consequences that will result from it.

neither, becauſe their conduct is inſpected by the people?

It is true that, in order to find ſome reality in this advantage, it muſt not be founded on a vain right; but when we ſpeak of a right, we do not ſpeak of a thing that is vain. To tell the perſon who hath tranſgreſſed the law, that he hath tranſgreſſed the law, is to take a ridiculous and fruitleſs trouble. It is telling him a thing he knows as well as you.

Right, according to Puffendorf, is a moral quality, by virtue of which ſomething or other is due to us. The mere liberty of complaining is, therefore, no right; or at leaſt it is a right which nature grants to all, and of which the laws of no nation deprive any one. Was it ever thought neceſſary to ſtipulate by the laws that whoever ſhall loſe his cauſe ſhould have the liberty of complaining? Was it ever known that any perſon was puniſhed for it?

Where is the government, how abſolute ſoever, in which the citizen hath not the right of preſenting memorials to the prince or his miniſters, concerning any thing he may conceive to be of uſe to the ſtate? And how ridiculous would not an edict appear, which ſhould formally grant to ſubjects the privilege of preſenting ſuch memorials? It is not, however, in a deſpotic ſtate; it is in a republic, in a democracy, that permiſſion is formally given to the citizens, to the very members of the ſovereignty, to uſe toward their magiſtracy thoſe privileges, of which no deſpotic prince ever yet deprived the meaneſt of his ſlaves.

What! doth this privilege of remonſtrating conſiſt only in preſenting a paper, which poſſibly

bly may not be read, or to which may be at beſt returned only a barren negative *? Is this privilege, ſo ſolemnly ſtipulated for in compenſation for ſo many ſacrifices, confined to the mighty prerogative of aſking and obtaining nothing? To venture to advance ſuch a propoſition, is to accuſe the mediators of having baſely overreached the citizens of Geneva; it is to ſuſpect the probity of the plenipotentiaries, the equity of the mediating powers; it is an inſult at once to decency and common ſenſe.

But, after all, what is this privilege? How far doth it extend? And how may it be exerciſed? Why is nothing of all this ſpecified in the 7th article? Theſe are reaſonable queſtions, and preſent difficulties which merit examination.

The ſolution of one only will give that of all the reſt, and diſcover the true ſpirit of this inſtitution.

In a ſtate ſuch as yours, where the ſovereignty is in the hands of the people, the legiſlature always exiſts, though it doth not always appear. It is never aſſembled, or ſpeaks authentically, but in the Council-general: but out of the Council-general it is not annihilated: its members are diſperſed, indeed; but they are not defunct: they cannot ſpeak by the laws, but they may attend to the adminiſtration of thoſe laws; it is their right; it is even a duty attached to their perſons, and which cannot at any time be taken from them. Hence the right of ma-

* Such, for example, as the reply made by the Council the 20th of Auguſt, 1763, to the Remonſtrances delivered to the firſt Syndic, on the 8th, by a conſiderable number of citizens and burghers.

making remonſtrances. And thus the remonſtrance of a citizen, or of any number of them together, is only a declaration of their opinion upon a matter that properly concerns them. This is the plain and neceſſary ſenſe of the edict of 1707, as to the fifth article which relates to ſuch remonſtrances.

In this article, the method of ſigning names is juſtly proſcribed; becauſe this is in a manner giving ſuffrage, and voting, as if the members were already in general Council; but the form of a general Council ought not to be adopted, unleſs when it is lawfully aſſembled. The method of remonſtrating hath the ſame advantage, without being attended with the ſame inconvenience. In this method, the members do not vote as if they were in the general Council; they only take upon them to judge what matters ought to be brought before them; as they do not number voices, they do not give their ſuffrage, they only give their advice. This advice, indeed, is only that of one or more individuals; but theſe individuals, being members of the ſovereignty, and capable of ſometimes repreſenting it by their number, it is but reaſonable that ſome regard ſhould be paid to it; not indeed as a deciſive determination, but as a propoſition that demands ſuch regard, and renders it ſometimes neceſſary.

Theſe remonſtrances may relate to two principal objects, the difference of which determines the manner in which the Council ought to take cogniſance of ſuch remonſtrances. Of theſe two objects, one is the making ſome alteration in the law; the other is, the reparation of ſome tranſgreſſion of the law. This diviſion is complete,

plete, and comprehends every thing which ſhould be made the ſubject of ſuch remonſtrances. It is founded upon the edict itſelf; which diſtinguiſhing the terms according to the objects, impoſes on the Attorney-general the duty of drawing up *inſtances*, or *remonſtrances*, as the citizens prefer their *complaints* or *requiſitions* *.

This diſtinction being once eſtabliſhed, the Council, to which theſe remonſtrances are addreſſed, ought to regard them differently, according to that of the two objects to which they bear a relation. In thoſe ſtates where the laws are already ſettled, there ſhould be as much care as poſſible taken that no alteration be made in them, eſpecially in ſmall republics, where the ſlighteſt ſhock diſunites the whole. The dread of innovations is therefore, for the moſt part, juſtly founded. It is particularly ſo with regard to you, who cannot but ſuffer from them; and the government cannot raiſe a greater obſtacle againſt their admiſſion; for however uſeful new laws may be, yet the danger to be apprehended from their introduction almoſt always exceeds the proſpect of advantage from them.

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* The word *requerir* (require,) not only ſignifies to demand, but to demand by virtue of ſome right. This laſt acceptation of the word takes place in all judicial forms, in which this law-term is uſed. We ſay *requerir juſtice*, (to require juſtice;) but never *requerir grace*, (to require favour;) ſo that in both theſe caſes the citizens have an equal right of requiring, that their *requiſitions*, or *complaints*, rejected by the inferior Councils, ſhould be brought before the general or great Council. But by the addition of a word, in the ſixth article of the edition in 1738, this right is limited to a complaint only, as it is expreſſed in the text.

In this reſpect, when the burgeſs or citizen has offered his advice, he has done his duty. He ought, moreover, to have a proper confidence in his magiſtrate, and to judge him capable of weighing the advantage of what he had propoſed, and offered for his approbation, if he found it for the public good. The law therefore has wiſely provided, that neither the eſtabliſhment nor propoſal of ſuch innovations ſhould paſs, without being conſidered by the Councils; and this is that negative right they lay claim to, and which, in my opinion, inconteſtably belongs to them.

But the ſecond object having a quite oppoſite principle, ought to be conſidered in a different light. Innovation is not the point here; but, on the contrary, it is to prevent any innovation from being attempted; not for the eſtabliſhment of new laws, but for the maintenance of the old in all their vigour. When things have a natural bent to change, freſh care ſhould be employed to prevent it. Behold what the citizens and burgeſſes propoſe to themſelves by the complaints the edict mentions, who have ſo great an intereſt in oppoſing any change in the laws.

The legiſlative power in being always perceives the effect, or abuſe of its laws; it ſees whether they are obſerved or tranſgreſſed, whether they bear a good or evil conſtruction; it watches over them; it is incumbent on it ſo to do; it is its right, it is its duty, it has even ſworn to perform it. It diſcharges this part of its duty by making remonſtrances; it is this right it exerciſes; and it would be againſt reaſon, and even indecent, to ſuppoſe that the negative

gative right of the Council extended to that object.

This would be unreaſonable with reſpect to the legiſlature, becauſe, in that caſe, the ſolemnity of the laws would be ridiculous and vain, and the ſtate would in fact have no other law but the will of the Petty Council, in whoſe power it would abſolutely be to neglect, deſpiſe, or violate and change all that might be offered to its conſideration, and to turn black into white, without being accountable to any body. To what purpoſe their aſſembling in St Peter's church, in a ſolemn manner, to give a ſanction to their ineffectual edicts, and thus addreſs the Petty Council, *Gentlemen, here is the body of laws we eſtabliſh for the regulation of the ſtate, and of which we make you the depoſitaries, only to empower you to conform to or tranſgreſs them whenever you ſhall think proper.*

This would be unreaſonable, with reſpect to remonſtrances; becauſe then the right ſtipulated by an expreſs article of the edict of 1707, and confirmed by a particular clauſe in the edict of 1738, would prove a mere fallacy, and would mean no more than a liberty of making an unavailing complaint when they were aggrieved; a liberty which, never being yet diſputed, it would be highly ridiculous to eſtabliſh by law.

Laſtly, this would be abſolutely indecent, as ſuch a ſuppoſition would argue a diſtruſt of the probity of the mediators. It would be in effect to make your magiſtrates knaves, and your citizens dupes, when the conſequence of ſo many negotiations, treaties, and tranſactions, amounted to no more than the ſubjecting one part of the

the people to the abſolute diſcretion of the other, and making the largeſt conceſſions in exchange for ſecurities of no manner of value.

But, ſay theſe gentlemen, the edict is in expreſs terms: *Nothing ſhall be carried to the general Council, which has not been previouſly diſcuſſed, and approved of, in the Council of twenty-five, and afterwards in the Council of two-hundred.*

What does the preſent queſtion prove, but that this is a regular proceeding, conformable to the orders and obligation of the inferior Councils, of treating, and previouſly approving? what is to be preſented to the general Council? Are not the Councils neceſſitated to approve of what the law preſcribes? How ſo! if it ſhould happen, that the Council oppoſed their proceeding to elect Syndics, muſt the matter reſt there? and if the perſons propoſed ſhould be rejected, are they not under a neceſſity of giving their approbation to thoſe propoſed by others, be they who they will?

On the contrary, it is eaſily perceived, that this right of approving and rejecting, taken abſolutely, is only applicable to ſuch propoſitions as include novelty or innovation, and not to what is only relative to the ſupporting the old eſtabliſhed rules. Is it good ſenſe to imagine any neceſſity of a new approbation, to redreſs the infringement of a law long eſtabliſhed? The approbation given to a law, when firſt promulged, contains all the conſent requiſite for its execution: when the Councils have once approved of the eſtabliſhment of a law, they, by conſequence, enjoin the obſervance, and ordain that the violators be puniſhed: and when the com-

complaints of the burghers proceed no farther than a demand of reparation, without inſiſting on puniſhment, do they expect that ſuch a propoſal wants to be confirmed by a ſubſequent approbation? If this, Sir, is not a ſolemn mockery, I know not what is.

The whole difficulty that ariſes on this point, is with regard to the matter of fact. Has this law been tranſgreſſed, or not? The citizens and burgeſſes ſay the affirmative, the magiſtrates deny it. Now conceive if poſſible any thing, in that caſe, more unreaſonable, than this claim to aſſert a negative. They are told they have broken the law. They anſwer, they have not; and ſo being arbitrary judges in their own cauſe, they are juſtified, contrary to evidence, by their bare affirmation.

You will, perhaps, aſk, if an affirmative be always evidence? I do not ſay ſo. But I ſay, admitting it to be evidence, your magiſtrates would not leſs inſiſt on their pretended negative right. This is exactly the caſe; and what ought to be the legal preſumption? Is it credible, is it natural to ſuppoſe, that private perſons, without power or authority, ſhould come and tell the magiſtrates, who may be to-morrow their judges, that they have done them injuſtice, when they have not? What could they hope for, from a conduct ſo ridiculous, were it even to paſs with impunity? Could they imagine that theſe magiſtrates, ſo haughty and inflexible in the wrong, would acknowledge errors of which they were not culpable? On the other hand, is it not more natural to believe they would deny the faults they had committed? Have they not intereſts to ſupport, and is it not

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an encouragement to do ſo when they are certain of impunity, and have beſides the power of the ſtate in their own hands? When the powerful and the weak are at variance, which is generally to the prejudice of the latter, the moſt reaſonable preſumption is, that the ſtrongeſt is in the wrong.

I know very well, that probabilities do not amount to proofs: but in matters of notoriety, relative to the laws, when a number of citizens affirm that injuſtice has been committed, and the magiſtrate who is accuſed of that injuſtice affirms the contrary, who can judge in that caſe but the intelligent public? and where are they to be found at Geneva, unleſs among the members of the general Council, which is compoſed of both parties?

There is no nation whatever, where a ſubject, injured by an oppreſſive magiſtrate, cannot find ſome method of carrying his complaint before the prince; and the dread of ſuch an appeal reſtrains the commiſſion of many enormities. In France, where the Parliaments are extremely rigorous in their attachment to the laws, the proceedings in many caſes are open againſt them, and by application to the Courts of Requeſt a repeal of their decree may be obtained. The people of Geneva have no ſuch privilege, The parties condemned by the Councils, can in no caſe appeal to any other tribunal: but that which no perſon can do for his own private intereſt, is permitted to all, when the common good is concerned: for every abuſe of the law, being an attack againſt the liberty of the people, becomes a public affair; and when the calamity is general, it ought to be laid before the

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ſovereign by way of complaint. Without that reſource, there is no Parliament, Senate or Tribunal on earth, that would not be armed with the ſame dreadful power which your magiſtracy has dared to uſurp; there can no where be any government ſo tyrannical as yours, and you muſt allow it is a very odd kind of liberty you enjoy in your republic.

The right of making remonſtrances is cloſely united to your very conſtitution; which is the only method of reconciling liberty with ſubordination, and of keeping the magiſtrates in a ſtate of due dependence on the laws, without leſſening their authority over the people. If remonſtrances have a juſt foundation, if the reaſons for making them are evident, we ſhould preſume the Council ſufficiently equitable to pay them a proper regard. But if, on the contrary, the grievances were either trivial or imaginary, or had not that degree of evidence which might remove all doubt, it would then make a difference, and the deciſion would be made by the general voice; which is, in your ſtate, the ſupreme power and only ſovereign. Now, as this general voice, ever ſince the foundation of the republic, has always had the means of exerting itſelf, and that thoſe means were a part of the conſtitution, it follows, that the edict of 1707, being grounded beſides on immemorial right, and conſtant exerciſe of that right, had not the leaſt need of farther explanation.

The Mediators having laid it down as a fundamental rule, to deviate as little as poſſible from the tenor of the ancient edicts, left that article as they found it, and even ſent it back unaltered. So by their regulation with reſpect to that point,

your right continues exactly the same; as the article by which it was established is absolutely repealed.

But the Mediators did not perceive, that the change they were under a necessity of making in other points, obliged them to a farther illustration of this particular, and to add such new explanations as were judged proper, considering them as consequences deduced from that point. The effect of neglecting remonstrances from private persons, is, that it becomes then a common cause, and the opposition made by the public voice prevents a refusal of justice. This alteration was at that time legal, and agreed with the fundamental law of nations, which, in every country, arms the supreme magistrate with the force of the state, when it becomes necessary for the execution of its will.

The Mediators have not supposed any such denial of justice, though the event proves they ought to have supposed it. They judged it necessary, for preserving the public peace, to divest right of power, and even to suppress the inoffensive assemblies and deputations of the order of burgesses. But since the right of the burgesses had been otherwise confirmed, the Mediators should have inserted, in the form by which these innovations were made, a saving of that right, in recompense for those they were deprived of; which was never done. Their work was very defective in that respect; for as the right continued unimpeached, its effects should have still remained.

Thus you see with what policy your magistrates take advantage of this omission in the Mediators. Be your number ever so great, they regard you only

only in the light of private perſons; and whenever you ſhall loſe the right of aſſembling in a body, that body will be conſidered as annihilated. It is not come to that yet, as that body ſtill preſerves all its rights and immunities, and always makes a principal part of the ſtate and legiſlature. They drop that falſe ſuppoſition, therefore, in order to raiſe numberleſs imaginary difficulties, with reſpect to the authority by which they are laid under a neceſſity of aſſembling the general Council. There is no authority but that of the laws when they are properly obſerved: but the authority of the law, infringed by them, belongs to the legiſlature in general; and the magiſtrates, not daring abſolutely to deny that in ſuch caſes the power reſides in the majority, raiſe their objections with regard to the means of aſcertaining it. Theſe means will always be eaſy, as ſoon as they ſhall be permitted; and will be attended with no inconveniency, as the abuſe of them may be readily prevented.

Thus would all tumult and violence ceaſe; there would be no farther need of thoſe reſources, which, however neceſſary, are always terrible, and which you are very wiſely prohibited, not becauſe you have ever abuſed them, (for, on the contrary, you left them to the laſt extremity,) but only for your defence, and always with that moderation which ſhould have continued to you the power of arming yourſelves, if ſome danger had not proceeded from the indiſcretion of a few. Nevertheleſs, I ſhall return thanks to heaven, that we are now freed from that dreadful pomp of arms in the midſt of our ſtate. *All things are lawful in caſes of extremity*, as the author of the Letters expreſſes himſelf in

many places. Allowing that aſſertion to be true, yet certainly all things would not be expedient. When the abuſe of power puts the ſufferer above the law, doth it neceſſarily follow that the means he employs to deſtroy that tyranny are ſuch as leave him any hopes of ſucceſs? Would they deſire you ſhould be reduced to that dilemma? I cannot believe it; and if that ſhould ever be the caſe, I think there is nothing capable of inducing you to take ſo deſperate a remedy. In your ſituation, every falſe ſtep is fatal: and whatever might betray you into a reſolution of doing yourſelves juſtice that way, is but a dangerous ſnare laid both for your lives and liberties; and were you to be maſters but for a moment, in leſs than a fornight you would be cruſhed to atoms. Let your magiſtrates act as they pleaſe; let the author of the Letters ſay what he will; a juſt cauſe never uſes violent methods. Although I believe they would not willingly force you to deſperate reſolutions, yet I am of opinion they would ſee you enter into them with pleaſure; and I think they ought not to oblige you to regard that as an expedient, which would deprive you of all other remedies. Juſtice and the laws are on your ſide: theſe, I know, are but feeble ſupports againſt intereſt and intrigue; but they are all you have to truſt to; rely on them, and perſevere in your pacific reſolutions to the end.

Can I approve of diſturbing the public peace? I, who have ſacrificed to it whatever was deareſt to me? You very well know, Sir, how I was intreated, ſolicited; my appearance alone would have been ſufficient; my rights would have been ſupported, perhaps my injuries repaired.

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My preſence would have engaged my adverſaries in intrigues; and I ſhould have been in one of thoſe envied ſituations, in which the actor of a capital part contemplates, with conſcious dignity, his own importance. I have choſen baniſhment from my country: I have renounced all, even hope itſelf, rather than riſk the ſafety of the public by diſturbing its tranquillity. My ſincerity ought to be credited by the public, ſince I argue ſo ſtrongly in its favour.

But why ſhould aſſemblies of the people, purely civil and peaceable, be ſuppreſſed, which could only be for legal purpoſes, as they were ſtill in ſubordination to the magiſtrates? Why, ſince the burgeſſes were poſſeſſed of the right of making remonſtrances, were they not permitted to perform that function with the regularity and authenticity it required? Why take from them the means of deliberating among themſelves, and of preventing tumult, at leaſt with reſpect to ſending deputies to their aſſemblies? Can any thing be conceived better regulated, more decent or convenient, than meeting together by companies, and the manner of proceeding eſtabliſhed among the burgeſſes ever ſince they have governed the ſtate? Is it not better policy to ſee thirty deputies go the town-houſe, in the name of all their fellow-citizens, than the whole body of burgeſſes crowding tumultuouſly, each having his particular intereſt, and ſpeaking only for himſelf? You yourſelf, Sir, have ſeen thoſe that had remonſtrances to make, obliged, on account of their numbers, to be divided into parties; to avoid that brawling and uproar inſeparable from ill-managed popular aſſemblies;

and afterwards coming in ſmall companies of thirty or forty, obſerving more modeſty and reſerve in their behaviour than the laws preſcribed them. But ſuch is the ſpirit of the Genevans, always rather under than over the mark with reſpect to their privileges; they are often reſolute, but never ſeditious; the law is always written in their hearts, and a reſpect for their magiſtrates uppermoſt in their thoughts. Even at times when the moſt lively indignation ſhould have animated their reſentment, and when there was no obſtacle to prevent the full ſcope of popular fury, they were never known to manifeſt the ſmalleſt ſymptoms of diſobedience to their magiſtrates. Can ſo much be ſaid in favour of their oppreſſors? The people are ſenſible of what they have formerly ſuffered; and they know what fate may hereafter be prepared for them by their unjuſt and tyrannical maſters.

Theſe are the men who truly deſerve liberty, becauſe they never abuſe it; who are, notwithſtanding, loaded with chains like the vileſt miſcreants. Such are thoſe citizens, joint ſharers of the ſovereign power, who are treated as ſlaves, and even worſe than the ſubjects of the commonwealth; for in the moſt abſolute governments, communities are allowed to aſſemble without the preſence of a magiſtrate.

Contradictory regulations can never be obſerved at the ſame time. The magiſtrates permit, they authoriſe the right of making remonſtrances; and reproach the remonſtrants with not being conſiſtent with themſelves, when they take all means poſſible to prevent their being ſo. This is not juſt; and if they hinder your coming in a body, they ſhould not afterward object againſt

your

your capacity as private perſons. Why cannot they perceive, that if the weight of remonſtrances depends on the number of remonſtrants, it is impoſſible, in a general aſſembly, for each member to preſent his remonſtrance ſeparately? Beſides, how great would be the difficulty for the magiſtrate, if he was obliged to read or hear ſeverally the petitions of a thouſand perſons, as he is enjoined by law?

Here is that eaſy ſolution of the great enigma, ſaid by the authors of the Letters to be incapable of explanation *. When the magiſtrate pays no regard to the complaints of particular perſons, let him receive them from the company of Burgeſſes; let him allow of remonſtrances from them ſeparately, at different times and places; let thoſe of the Burgeſſes company, who would ſupport their remonſtrances by plurality of voices, do it by their deputies: let then the deputies be entered on a liſt; their number be limited; and we ſhall preſently ſee, whether their votes are, or are not, thoſe of the ſtate. But this is not material: Take heed only not to intruſt theſe partial aſſemblies with any power but that of giving their opinion on the ſubject of remonſtrances. They will, as aſſemblies authoriſed for that purpoſe alone, have no right but as individuals. Their buſineſs is not to alter the law, but to judge whether it be properly obſerved; not to redreſs grievances, but only to point out the neceſſity of adapting a remedy; and ſuppoſing their voices to be unanimous, it will amount to no more than a remonſtrance. Thus it will only be their province to know, if the remonſtrance before them deſerves their atten-

* Page 88.

tention, whether to assemble the General Council if the magistrates approve of it, or to dispense with their meeting if they shall think it more expedient; taking it on themselves to consider the just complaints of the citizens and burgesses.

This is a plain, easy, and natural way, without the least inconveniency. There is no new law to make, it is only repealing one article for that purpose. In the mean time, if this should startle your magistrates, there is another method as easy, and not favouring more of innovation, which is to establish general periodical Councils, and to limit their jurisdiction to such complaints as shall come before them, without meddling with any other matter for and during the interval between the sessions of the General Council. These assemblies, which by a very important distinction * should not have the authority of sovereign, but that of supreme magistrate, so far from being capable of innovating, must infallibly prevent any such practice on the part of the Councils, and settle every thing relative to the legislative power in such a manner, as that the body intrusted with the forces of the state might immediately withdraw itself without trouble, as much as it pleased; and to put an end to these assemblies, the magistrate will have nothing to do, but exactly to fulfil the laws, as the convocation of this general assembly will be useless and ridiculous when it has no business to transact; and that was, in all probability, the case when the general periodical Councils were dissolved in the sixteenth century, as before mentioned.

It

* See the Social Compact, book iii. ch. 17.

It was for the purpoſe I juſt now related, that they were re-eſtabliſhed in 1707; and the old debate now revived was at that time decided by three conſecutive General Councils, the laſt of which paſſed the article concerning the right of the Burgeſſes to make remonſtrances. That right was not conteſted, but eluded; the magiſtrates durſt not refuſe their aſſent, that when the complaints of the Burgeſſes were rejected, the matter ſhould not be brought before the General Council; but as it was their province alone to convoke it, they uſurped the power of putting off the meeting as thay thought fit, and were ſure of tiring the patience of the Burgeſſes by their repeated delays. Yet their indiſputable right was at laſt ſo well known, that they gave notice on the ninth of April for the meeting of the General Aſſembly the fifth of May, *to the end* (ſays the proclamation) *that thoſe reports and inſinuations may no longer be believed, that it is in the power of any perſons whatſoever to elude or defer the meeting of the General Aſſembly to a farther day.*

Let it not be ſaid that this convocation was influenced by any violence or act tending to ſedition, as every thing was tranſacted by deputation as the Council directed, and never were the citizens and burgeſſes more peaceable at their meetings, purpoſely avoiding to appear in great numbers, or to aſſume a commanding air; and ſo far did they lay aſide their dignity, that thoſe who generally wore ſwords left them off to aſſiſt at the aſſembly *. It was not till after the third Gene-

* They uſed the ſame precaution in 1734, in the remonſtrances of the 4th of March, ſupported by a thouſand or twelve

General Council that they called to arms, thro' the fault of the Council itſelf, who had the imprudence to ſend three companies of the garriſon with bayonets fixed, in order to uſe violence to two or three hundred citizens ſtill aſſembled at St Peter's church.

Theſe periodical Councils, re-eſtabliſhed in 1707, were diſſolved five years after. But by what means, and under what circumſtances? A ſhort examination of the edict of 1712 will point out how we ought to judge of its validity.

In the firſt place, the people, terrified by the late executions and proſcriptions, had neither liberty, nor any ſecurity for their lives: they were afraid of every thing, after the treacherous act of indemnity made uſe of to ſurpriſe them. They dreaded ſeeing at their doors, the Swiſs, who ſerve as officers in theſe bloody executions. Scarce recovered frrom the fright they were firſt put into by the edict, they granted every thing that was demanded, through mere terror. They very well perceived they were not aſſembled to give laws, but to receive them.

The motives of the repeal, founded on the dangers with which the periodical Council was threatened, point out a manifeſt abſurdity to any perſon who knows the ſpirit of your conſtitution and that of your burgeſſes. They alledge, in their excuſe, the miſeries of the plague, famine, and war; as if war or famine could prevent the meeting of a Council; and as to the plague,

twelve-hundred citizens or burgeſſes in perſon, not one of whom wore a ſword. Theſe *minutiæ*, which would be of no moment in any other ſtate, are of conſequence in a Democracy, and point out the national character better than matters of a more ſtriking nature.

plague, you muſt confeſs it to be an over-nice caution. They were afraid of enemies, of diſaffected perſons, of cabals and plots: never were there ſuch timid wretches. Their former experience ſhould have given them more confidence. The general Council was the ſafety of the ſtate in thoſe perilous times, as we ſhall ſhew by and by, and their reſolutions were always wiſe and ſpirited. They ſupported theſe aſſemblies, contrary to the fundamental laws of the conſtitution, of which they are the firmeſt protection. They are ſaid to be contrary to the edicts, and are eſtabliſhed by the edicts. They are cenſured as innovations, and are as ancient as the republic itſelf. There is not a ſingle line in the preamble which is not either falſe or abſurd; and it is owing to that curious explanation that the repeal of the edict paſſed, without any previous public notice, to inſtruct the members with regard to the propoſition that was to be made, and without giving them time to deliberate among themſelves, or even to reflect on the ſubject, and that at a time when the burgeſſes, ignorant of the hiſtory of their own government, ſuffered every kind of impoſition from the ruling magiſtrate.

But there is a cauſe of nullity ſtill more ſolid, which is the violation of the edict in one of its moſt important articles, that is, with reſpect to decyphering the billets, or ſumming up the votes: for in the fourth article of the edict of 1707, it is ordered that four ſecretaries *ad actum* ſhall be appointed to gather the votes; two choſen from the Council of Two-hundred, and two from the body of the people, who ſhall be elected on the ſpot by the firſt Syndic, and take the

oaths

oaths immediately in the church. Yet in the General Council of 1712, without paying any regard to the former edict, they cauſed the ſuffrages to be collected by the two ſecretaries of ſtate. What could that change proceed from, and why that illegal management in ſo important a point; as if they acted ſo, on purpoſe to have the pleaſure of breaking the law they had juſt eſtabliſhed? They began with violating, in one point, the edict they would diſannul in another. Was this a regular proceeding? If, as it is expreſſed in the edict of repeal, "the opinion of the Council was *almoſt unanimouſly* † approved of, whence was the conſternation viſible in the faces of the citizens in coming out of the Council, while the magiſtrates teſtified an air of the utmoſt ſatisfaction and triumph *? Are theſe

† By the method which I am told was followed, this unanimity was not difficult to obtain, and it was in the power of theſe Gentlemen themſelves to render it complete.

Before the aſſembly, Meſtrezat, Secretary of ſtate, ſaid, *Let them come; I have them.* He employed, it is ſaid, for this purpoſe, two words, *Approbation* and *Rejection*, which have ever ſince continued in uſe; ſo that which ever ſide was taken, it came to the ſame point. For if the billet of approbation were choſen, the opinion of the Councils, which rejected the periodical aſſembly, was approved; if that of rejection, then the periodical aſſembly was rejected of courſe. I do not invent the fact, nor do I relate it without authority, as I deſire the reader to believe: but I am indebted to truth to declare, that I did not receive it from Geneva; and muſt in juſtice own, that I do not myſelf believe it to be true. I only know, that in ſuch a caſe the equivocation muſt occaſion many of the voters to be at a loſs which word to chuſe to expreſs their intention: and I alſo acknowledge, that I cannot aſſign any honeſt motive or lawful excuſe for the infringement of the law in the gathering of the votes. Nothing is a ſtronger proof of the terror the people were in, than the ſilence with which they beheld this irregularity.

* They ſaid among themſelves as they went out, and the words were heard by many, *We have made a great day's-work*

Two

theſe different aſpects natural to perſons who are unanimouſly joined in the ſame opinion?

Now, to gain their purpoſe with reſpect to the edict of revocation, they employ terror, ſurpriſe, and (I doubt not) fraud; and certainly tranſgreſſed the law, by making uſe of ſuch unjuſtifiable methods. Are theſe the practices of men who are governed by a ſacred law, as they affect to call it?

But let us ſuppoſe that the repeal of this edict was according to law, and that they had not broken the conditions *, which import, that no alteration of the edict ſhall be valid till it meets with the approbation of the ſovereign Council: What other effect can it produce, than that of reſtoring the ancient uſage practiſed before the eſtabliſhment of the edict, and conſequently the right of which the burgeſſes were poſſeſſed? When a power, which was once legal, has been revoked, are not matters in the ſame ſtate as before the delegation or appointment of that power?

We muſt admit, that theſe general periodical Councils had but one inconvenience; but that was of a dreadful nature; I mean, its abſolute compulſory power, of obliging the magiſtrates, and all orders of the ſtate, to contain themſelves within the bounds of their duty, as preſcribed by the laws. This alone is a convincing reaſon,

Two days after, a number of the citizens complained that they had been deceived, as they never meant to reject the General Aſſembly, but only the opinion of the Councils: but they were laughed at.

* Theſe conditions declare, that *no change in the edict ſhall be valid till it has been approved of in the Sovereign Council.* It remains, then, to be determined, whether an infraction of the edict is not a change of the edict.

why theſe terrific aſſemblies will never be re-eſtabliſhed, any more than the right of the burgeſſes of convoking themſelves by companies. But this is not to our preſent purpoſe. I examine not here what ought or ought not to be done, what they will or will not do. Thoſe expedients I mention as poſſible and eaſily executed, being drawn from your own conſtitution, are no longer conformable to the new edict, and cannot be adopted without the approbation of the Councils, in which aſſuredly they will not be propoſed. But taking the ſuppoſition of the author of the Letters for granted, I obviate his trivial objections: I ſhew, that he ſeeks obſtacles where there are none, except in the reluctance of the Council; and that many methods might be uſed, if they pleaſed, to remove theſe pretended obſtacles, without in the leaſt altering the conſtitution, or without riſking the public tranquillity.

But that I may enter more minutely into the merits of the queſtion, I ſhall take the laſt edict for my guide, and you will not perceive a ſingle real difficulty with regard to the neceſſary effect of the right of making remonſtrances.

In the firſt place, that difficulty which ſeems to ariſe concerning the limitation of the number of remonſtrants, is ridiculous from the edict itſelf, which ſpecifies no particular number, and gives not leſs validity to the remonſtrance of one than to that of an hundred.

Secondly, That of giving individuals the right of aſſembling the General Council, is alſo frivolous; becauſe that power, whether it be dangerous or not, has nothing to do with the effect of making remonſtrances. As there are two annual

nual Councils held on the ſubject of elections, there would be no neceſſity for an extraordinary aſſembly for that purpoſe. It is enough if the remonſtrance, which has been examined by the inferior Councils, be laid before the next General Council, as ought to be the practice †. The ſeſſion need not be one hour longer on that account, as every body is ſatisfied of, who knows the order obſerved in theſe aſſemblies. They need only take care that the queſtion paſſes the votes, or is ballotted for, before the buſineſs of election comes on; for if they ſhould wait till the election is over, the Syndics will immediately diſſolve the aſſembly, as was done in 1735.

Thirdly, That difficulty which ariſes from multiplying General Councils, has no more weight than the former; and ſuppoſing it had, what dangerous effects can it produce? For my part, I cannot ſee any.

It is enough to make one ſhudder on reading the enumeration of theſe imaginary dangers, in the Letters written from the country, in the edict of 1712, and in the ſpeech of M. Chouet. But to come to the proofs. The laſt mentioned ſays, that the tranquillity of the ſtate was never ſo well ſettled as when theſe aſſemblies were leſs frequent. Here is an inverſion to be rectified; he ſhould have ſaid, that theſe aſſemblies became leſs frequent when the republic enjoyed more tranquillity. Read, Sir, the annals of your city, in the ſixteenth century: how it ſhook off the twofold yoke that ſo miſerably oppreſſed it; how it ſtifled the factions by which it was torn;

† I have before diſtinguiſhed the caſes wherein they are to be carried to the General Council, and where not neceſſary.

how it reſiſted its rapacious neighbours, whoſe aſſiſtance was but a pretext for covering their deſigns of reducing it to their obedience. How has the evangelical and political liberty been eſtabliſhed in its boſom? How has its conſtitution arrived at that degree of firmneſs it enjoys? How did it mould its ſyſtem of government? The hiſtory of thoſe memorable times is a continuation of prodigies. Tyranny, neighbours, enemies, friends, ſubjects, citizens, war, plague, famine, all conſpired the ruin of this unhappy city. One can hardly conceive how a ſtate juſt formed could poſſibly eſcape ſo many dangers. But Geneva not only eſcaped thoſe dangers, but finiſhed the important work of its eſtabliſhment in the midſt of thoſe critical times. It was by frequently holding their General Councils *, it was by the uniform prudence and ſteadineſs of the citizens, that all perils were ſurmounted, all difficulties removed, and that city reſtored to good order, freedom, and tranquillity, which before was the ſeat of faction and ſlavery. It was after every thing was ſettled within, that they found themſelves in a condition of glorioufly carrying on the war without. The ſovereign Council had then compleated its work, it was incumbent on the government to do its part: the Genevans had but to defend the liberty they had juſt eſtabliſhed, and to ſhew themſelves as good ſoldiers in the field

* As theſe were called in all difficult caſes, as they were termed by the edicts, and as theſe difficult caſes often returned in thoſe tempeſtuous times, the General Council was then convoked more frequently than the Council of Two-hundred is now. We may judge from one epocha. During the firſt eight months of the year 1540, eighteen General Councils were held; and yet this year had nothing more extraordinary than thoſe which preceded and followed it.

field as they were worthy citizens in the Council; and this they actually performed. Your annals every where ſpeak in praiſe of General Councils; your magiſtracy can find nothing in them but terrible evils. They raiſe objections, but hiſtory removes them.

Fourthly, The difficulty of being expoſed to the inſurrections of the people, when they have arrived at a great degree of power, is obviated in the ſame manner; and I know no better anſwer to this ſophiſtry, than by appealing to a conſtant ſucceſſion of facts. All the reſolutions of the General Councils were as full of wiſdom as intrepidity; never were they ſo inſolent in power, or mean-ſpirited in adverſity. They have ſometimes ſworn to die for their country; but I challenge any perſon to mention a ſingle man, even of thoſe moſt influenced by the people, who by any act of precipitation offended the neighbouring powers, or ever baſely cringed or bowed the knee before them. But I would not venture to ſay as much for all who are influenced by the little Council. But let that paſs. When any new reſolutions are to be taken, the propoſition ſhould come from the inferior Councils, and it is the province of the General Council to approve or reject them. Its power extends no farther. This being admitted on all ſides, the force of this objection falls to the ground.

Fifthly, The difficulty ſaid to ariſe from throwing the laws into doubt and obſcurity, had no better foundation, as the queſtion here is not of ſuch a looſe and general interpretation of them as may admit of ſubtle diſtinctions, but a true and ingenuous application of a fact to the expreſs words of the law. The magiſtrate may

have his reaſons for finding obſcurity where the law is plain, but its clearneſs is by no means affected on that account. But theſe gentlemen falſified the queſtion. To point out from the letter of the law in what inſtance it has been violated, is not to propoſe doubts with regard to the law itſelf. If there ſhould be a ſingle expreſſion which might be interpreted in favour of a fact, the Council in their anſwer will not fail to eſtabliſh it in that ſenſe. The remonſtrance then loſes its credit; and if proceedings are carried farther, it infallibly falls to the deciſion of the General Council; for the intereſt of the whole is too great, too much preſent, and too ſenſibly felt, eſpecially in a trading town, for the generality of the people ever to think of ſhaking the authority of the legiſlature and government, by pronouncing that a law has been tranſgreſſed, when there may be a poſſibility of the contrary.

It is the buſineſs of the legiſlature, or compilers of the laws, to ſee that there be nothing equivocal in their meaning: when there is room to take a law in a double ſenſe, the equity of the magiſtrate muſt fix the meaning for all future practice; when the law may be taken in more ſenſes than one, he makes uſe of his privilege in judging as he ſhall think proper; but that liberty doth not extend ſo far as to change the literal meaning, and extract another ſenſe which in reality it has not. If that were to be the caſe, all law would be at an end. The queſtion here propoſed is ſo clear, that it is eaſy for a perſon of good ſenſe to give an anſwer, and that good ſenſe is certainly to be found in the General Council. So far are they from being the occaſion of endleſs diſputes, that, on the contra-

ry,

ry, they prevent them. And the edicts being secured from the danger of such false or arbitrary interpretations as interest or passion might suggest, one is sure of having the legal and genuine sense, and individuals are no longer in doubt of the interpretation given by the magistrate. Does it not appear very evident, that the difficulties in question would no longer exist, if this method had been taken for their solution?

Sixthly, The difficulty of submitting the Councils to the orders of the citizens is absurd. It is very true, that remonstrances are not orders, no more than the request of a person who demands justice can be called an order. But the magistrate is as much obliged to render the petitioner the justice he demands, as the Council are, whose business it properly is to redress the complaints of the burghers and citizens brought before them in the remonstrances. Although the Magistrates are superior to private persons, yet that superiority should be no impediment to paying that to their inferiors which is their due; and the respectful terms used by the latter in demanding their right, do not deprive them of the smallest particle of it. A remonstrance is then, if you please, an order given to the Council, in as much as it is directed to the first Syndic, to whom it is presented to be communicated to the Council; which he is obliged to do, whether he approves of the remonstrance or not.

Besides, when the Council takes advantage of the use of the word *Remonstrance*, which imports inferiority, and that is a matter nobody disputes, they forget, at the same time, that the word mentioned in the rule is not inserted in the edict to which it refers, but the very word *Remonstrants*, which,

which conveys quite another meaning; to which may be added, the difference between remonſtrances from the body of the magiſtracy to their ſovereign, and thoſe which are preſented on the part of ſovereign members of the legiſlature to a body of magiſtracy. You will ſay, I am in the wrong to anſwer ſuch an objection; but I find it of more conſequence than all the reſt together.

Seventhly and laſtly, The difficulty under which the conſtitution labours when a man of conſequence conteſts the meaning or application of the law by which he is condemned, and who ſeduces the public in his favour, is really ſuch as I ſhall not pretend to give a name to. Pray, who ever knew the burgeſſes of Geneva to be a people ſo ſervilely complaiſant, ſo meanly imitative of the manners or maxims of others, ſo ſtupid, ſuch enemies to the laws, and ſo ready to take fire for the intereſts of others? Certainly each perſon muſt have ſeen his own intereſt mixed with that of the public, before he could have reſolved to meddle with its affairs.

Fraud and injuſtice often meet protection, but never from the public. In this inſtance the voice of the people is the voice of God. But unfortunately this ſacred voice is never heard in oppoſition to power, and the complaints of oppreſſed innocence diſſipate into feeble murmurs, quite deſpicable in the ears of tyranny. Whatever is done by intrigue and bribery always relates to ſome advantages of thoſe who govern; it cannot be otherwiſe. Cunning, prejudice, intereſt, fear, hope, vanity, ſpecious appearances, an air of decency and ſubordination; all theſe are for men of parts in authority, and practiſed in the arts of abuſing mankind. When addreſs is oppoſed to ad-

addreſs, or intereſt to intereſt, what prodigious advantages have the principal families in a ſmall town, always caballing to have the command over friends, clients, creatures; and this joined to the whole power of the Councils, in order to ruin ſuch individuals as dare conteſt with them. Look round you at this very time, and you will find, that though ſupported by the laws, equity, truth, evidence, the common intereſt, the care taken of private ſafety, in ſhort, whatever can engage the multitude, are ſcarce ſufficient to eminent citizens who exclaim againſt the moſt open violence and injuſtice; and it is obſerved, that among a ſenſible people the intereſt of an inſignificant meddler engages more partiſans than that of the ſtate. I know nothing either of your burgeſſes or leading men, if any perſon was ever to make an impertinent or ill-grounded remonſtrance: this at leaſt has not happened, as far as I can tell; the author, if he be not contemptible, muſt be abandoned.

Can it be neceſſary to refute objections of this kind, in ſpeaking to a Genevan? Is there a ſingle perſon in your whole city who is inſenſible of the want of probity of which I have complained? and can one ſeriouſly put the conſtant uſage of a ſacred, fundamental, and legal right, in competition with imaginary inconveniences, which nobody knows better than the perſons themſelves who raiſed the objections? whilſt, on the contrary, the violation of this right opens a door to the moſt deteſtable oligarchy, as we have ſeen it attempted, without any pretext whatever, againſt the liberty of the citizens; and arrogantly claims the power of ſending them to priſon on every occaſion, without any kind of for-

formality, contrary to the tenor of the moſt poſitive laws, and without paying any regard to their proteſts and remonſtrances.

The explanation given to theſe laws is ſtill more inſulting than the tyranny exerciſed in their name. How do they ſatisfy you? It is not enough you ſhould be uſed like ſlaves, but you muſt be treated as children. Good God! how can they doubt of what is ſo clearly evident! and what animoſities have been raiſed on this ſubject! Are not theſe poſitions, Sir, refuted by the bare mention of them? I hope, in making them the concluſion of my Letter, I ſhall not take up too much of your time.

A man may be made a priſoner three ſeveral ways; firſt, At the inſtance of a party, who has entered any ſuit or action againſt him; ſecondly, When he is taken in a notorious fact, of which the public are witneſſes; and thirdly, *Ex officio*, by the ſole authority of the magiſtrate, on receiving private intelligence, ſtrong circumſtances, or other ſufficient reaſons.

In the firſt caſe, the laws of Geneva ordain, that both the plaintiff and defendant be taken into cuſtody; and moreover, that bail or ſecurity be given to pay the damages and coſts, in caſe of inſolvency in either party. So there is a reaſonable ſecurity taken on the part of the accuſer, or plaintiff, that the action is not fraudulently commenced.

In the ſecond caſe, the proof is in the fact itſelf, and the accuſed is in ſome meaſure convicted by his detention. But in the third caſe, there is neither the ſecurity of the firſt, nor the evidence of the ſecond; and it is the laſt caſe only that the law, ſuppoſing the magiſtrate to be juſt,

juſt, takes ſuch methods as ſhall prevent his being deceived.

Theſe are the principles on which the legiſlature acts with reſpect to theſe three caſes. Now obſerve the application.

In the caſe of the civil action, they begin by a regular proceſs, which muſt be purſued thro' all the judicial forms, and it is treated as a cauſe of the firſt inſtance. There can be no impriſonment, *if*, as the civil edict expreſſes it, *after the hearing of the parties, it has not been ſo ordered by the court* †. You know that the tribunal of the Lieutenant of the police, and his aſſeſſors, called auditors, form what they term the Court of Juſtice at Geneva. So it is to theſe, and no other magiſtrates, not even to the Syndics, that a complaint of the like nature ſhould be carried; and it is their province to order the impriſonment of both parties, ſaving the right of appealing to the Syndics, *if*, according to the terms of the edict, *either party ſhall find himſelf aggrieved by any of the proceedings* *. The three firſt articles of the title XIIth concerning criminal cauſes, evidently refer to that caſe.

In the caſe where one has been caught in the perpetration of a fact, whether it be a crime, or any irregularity puniſhable by the police, it is in the power of any perſon to arreſt the offender; but the executive power reſides in the magiſtrates, as the Syndics, the Council, the Lieutenant of the police, or an auditor, who alone can commit the party. The Counſellors have no ſuch authority, and the priſoner ought to

† Edits Civils, tit. xii. art 1. * Ibid. Art. 2.

to be interrogated within twenty-four hours from his arreſt. The five following articles of the ſame edict are only relative to the ſecond caſe; as appears both from the order preſcribed, and from the name of the criminal being given in at the firſt commencement; for it is only in the caſe of a notorious fact, in which the offender is caught, where the perſon accuſed can be ſtyled a criminal; in all other caſes he is not deemed ſo before the end of the proceſs. But if they will perſiſt in calling every perſon who is accuſed a criminal, and making them ſynonymous, it follows, by the ſame rule, that innocent and criminal are the ſame.

In the remainder of the twelfth title there is nothing more ſaid concerning impriſonment; and from the ninth article incluſive, it treats entirely of the procedure and form of giving judgement in every kind of criminal proceſs. It makes not the leaſt mention of impriſonments by the office or ſole authority of the magiſtrate.

But the edict concerning the police treats particularly of the duty of the four Syndics. Why ſo? Becauſe that article immediately relates to civil liberty. It is therein expreſſed, that the power exerciſed by the magiſtrate in that reſpect is rather the act of government than of the magiſtracy, and that an inferior tribunal ſhould not be inveſted with ſuch a power. So the edict grants this to the Syndics alone, and not to the Lieutenant of the police or any other magiſtrate. Now to prevent the Syndics from being impoſed on, as I before hinted, the edict directs them firſt of all to command thoſe whom it concerns, to *examine*, *interrogate*, and, laſtly, *impriſon the party*, if neceſſity require. I believe

lieve the law could do no leſs in a free country to reſtrain a power ſo formidable; and it is neceſſary the citizens ſhould have all reaſonable ſecurity, that when they have done their duty they may reſt ſafely in their beds.

The following article, of the ſame title, enters into the caſe of notorious guilt, in which the perpetrator is detected, as the firſt article doth in criminal matters, in the ſame edict concerning the police. This may appear a repetition: but in the civil edict the affair is conſidered as it relates to the exerciſe of juſtice; and in the political, as it relates to the ſecurity of the citizens. On the other hand, theſe laws, being made at different times, and being the work of men, it cannot be expected there ſhould be no contradiction or abſolute perfection in them. It is ſufficient, if, on reflection, and comparing the whole, we can diſcover the ſpirit of the legiſlature, and the reaſons.

Indulge me with one reflection more.—Theſe rights, ſo judiciouſly combined; theſe rights, claimed by the Remonſtrants by virtue of edicts, you have enjoyed under the government of the biſhops; Neufchatel enjoyed them under its princes; and would they diveſt you of them, who are commonwealth's-men? See the tenth and eleventh articles, and many others, concerning the franchiſes of Geneva, in the act of Ademarus Fabri. This monument of liberty is no leſs to be regarded by the Genevans, than the Magna Charta is by the Engliſh; which is of much greater antiquity; and it would certainly be mighty agreeable to the latter, to hear their great Charter ſpoken of with as much con-

tempt as the author of the Letters has dared to do with reſpect to ours!

He pretends, that it had been abrogated by the conſtitutions of the republic *. But on the contrary, I very often ſee in your edicts the expreſſions, *as formerly*; which plainly refers to ancient uſage, and conſequently to the rights on which they were founded; and, as if the Biſhop had foreſeen that thoſe who ſhould have protected the liberties of the ſtate would have been the firſt to invade them, I find he has declared, in the ſame act, that they ſhall continue for ever without being affected by non-uſage or preſcription. You muſt admit this to be a very ſtrange contradiction. The learned Syndic, M. Chouet, ſays, in his Memorial delivered to Lord Townſhend, "That the people of Geneva, by the "reformation, entered into the rights of the "Biſhop, who was both temporal and ſpiritual "Lord of the town." The author of the Letters, on the contrary, affirms, that the ſame people loſt, on that occaſion, "the franchiſes "and immunities granted them by the Biſhop." Which of theſe relations ſhall we believe?

What! loſe the liberties you enjoyed when you were ſubjects, and be ſlaves now you are rulers? Your magiſtrates have ſtripped you of all the privileges granted you by your princes. If your anceſtors have left you no better liberty, you have reaſon to lament the blood they ſpilt on

* This was the ſame reaſoning uſed in 1742, with regard to the treaty of Soleure, made in 1579, by which they maintained it was expired, though it was declared perpetual in the act itſelf, which has never been abrogated by any other, and which has often been renewed, eſpecially in the Act of Mediation.

on that account. That extraordinary act, which, in making you ſovereigns, deprives you of your freedom, in my opinion deſerves very well to be recorded; and, to make it credible, it cannot be dignified with too great ſolemnity. Where then is this act of repeal? Certainly, to eſtabliſh a belief of the exiſtence of ſo ſtrange an inſtrument, they ſhould begin with ſhewing it to the public.

From all that has been ſaid, it may be concluded with certainty, that in no caſe whatever the laws of Geneva give the Syndics, or any other magiſtrate, the power of impriſoning private perſons without reſtriction or limitation. But that ſignifies nothing. The Council, in their anſwer to the remonſtrances, eſtabliſh it as a law without reply. They would have it ſo, and they were immediately put in poſſeſſion. Such is the advantage of a negative right.

I propoſed, in this Letter, to ſhew, that the right of remonſtrating was ſo intimately connected with your conſtitution, that it could not poſſibly be accounted imaginary or deluſive; and that it being eſtabliſhed in form by the edict of 1707, and confirmed by that of 1738, it muſt of neceſſity have an effect: that ſuch effect has not been ſtipulated by the act of mediation, becauſe it was not expreſſed in the edict; and the reaſon was, as well becauſe it naturally reſulted from the nature of the conſtitution, as becauſe the ſame edict provided for its ſecurity in another manner: that this right, and the effect it ought to have, by giving firmneſs to all the reſt, became the only and proper equivalent to thoſe rights of which the burgeſſes had been deprived: that this equivalent, being ſufficient to e-

ſtabliſh a proper balance in the different orders of the ſtate, manifeſted the wiſdom of the regulation, which otherwiſe would have been the moſt iniquitous act we can poſſibly conceive: and laſtly, that the obſtacles raiſed againſt the exerciſe of that right, were either ill-grounded or of no manner of conſequence, which had no exiſtence but in the malice of the propoſers, and which were by no means a recompenſe for the dangers attending their aſſumed right to impoſe a negative. This, Sir, is what I have endeavoured to point out, and it is your part to determine how far I have ſucceeded.

LETTER IX.

The manner of reaſoning adopted by the author of Letters from the Country. The real deſign of thoſe letters. Their author's choice of examples. Character of the citizens of Geneva. Illuſtrated by facts. Concluſion.

I THOUGHT it better, Sir, to eſtabliſh the truth of what I had to offer, than to ſpend my time in long confutations of the arguments made uſe of by my adverſaries. To enter into a tedious examination of the Letters from the Country, would be lanching into a ſea of ſophiſtry. In my opinion, a bare diſcovery of their contents would be ſufficient to refute them; but they float in ſuch deep water, and are ſo far ſunk, that one runs a riſk of being drowned in attempting to bring them on ſhore.

As I proceed in my work, I cannot avoid caſting an eye on that of this author; and without

out analyſing thoſe political ſubtleties with which he endeavours to captivate the underſtanding, I ſhall content myſelf with examining into his principles, and with pointing out ſome inſtances wherein the fallacy of his reaſoning will appear.

You have before ſeen their futility with reſpect to me: with reſpect to the commonwealth they may ſeem more alluring, but are by no means the more ſolid on that account. The true deſign of thoſe Letters is to eſtabliſh the pretended negative right, in the fulneſs of that power it has received from the uſurpations of the Council. Every argument they advance tends only to that purpoſe; either in a direct manner, by introducing a ſeries of connections; or indirectly, by impoſing on the public as to the real ſtate of the queſtion.

The imputations that have any reference to me, are laid in a direct manner. The Council has condemned me contrary to law. Remonſtrances are immediately offered in my favour. To eſtabliſh their negative right, they muſt firſt invalidate theſe remonſtrances: to invalidate them, they muſt prove them ill-grounded: and to prove them ill-grounded, they muſt ſhew that I am guilty; but guilty only in ſo minute a point, that they muſt have ſtretched the law before they could have puniſhed my crime.

How would theſe men have trembled at their firſt act of injuſtice, if they had foreſeen the ſad neceſſity they laid themſelves under of repeating it; that they muſt continue villains all their lives for having been ſo for an inſtant; and that they muſt perſecute, even to death, the wretch they have once perſecuted!

The queſtion, whether the Syndics have a right to preſide in criminal courts, is treated by this author in an indirect manner, by a ſtroke of addreſs. Do you believe that the Council give themſelves any concern, in reality, whether the Syndics or the Counſellors are preſidents, when they have taken care to eſtabliſh the rights of the former throughout all the orders of the ſtate? The Syndics, I have ſaid, being elected from the whole body of the people *, and having no ſuperiority over the other magiſtrates except in the Council, from being their chiefs, they become their colleagues on all other occaſions; and you may plainly ſee, that your Syndics have no great reaſon for being jealous of an authority ſo tranſitory, as they find themſelves to be but mere Counſellors in effect. But the Letter-writer has the art of handling this as a queſtion of importance, in order to evade what is really ſo, to make you believe that your chief magiſtrates are always elected by you, and that their power is in all caſes the ſame.

Let us quit, therefore, theſe needleſs queſtions, which the author had no great opinion of from his manner of treating them; and be ſatisfied with examining the reaſons he alledges in ſupport of the negative right, to which he is principally attached, and on the admmiſſion or excluſion of which you are either free-men or ſlaves.

He dexterouſly reduces a ſyſtem to general rules,

* So much care was taken to prevent any excluſion or preference in the choice but in caſe of merit, that by an edict, which has been abrogated, two Syndics were to be taken from the upper part of the town, and two from the lower.

rules, the weakneſs of which would be eaſily ſeen if he was to make an application always to particulars. To lead you from the main point, he flatters your vanity, by extending your proſpect to matters of moment; and whilſt he treats them in a way above the comprehenſion of thoſe he would ſeduce, he artfully gains their approbation by ſeeming to conſider them as ſtateſmen. Thus he dazzles the people that he may the ſooner blind them; changing common affairs, which require only good ſenſe, into philoſophical theſes, that demand the moſt intenſe ſpeculation; ſo that finding themſelves incapable of either contradicting or underſtanding him, they dare not diſpute, but acquieſce in his arguments.

To imitate his abſtracted ſophiſtry, would be falling into the ſame error with which I upbraid him. On the contrary, by the manner I treat theſe queſtions, I am certain of gaining my point, without the danger of being in the wrong: for he lays down ſo many firſt principles in his propoſitions, and you can ſee them under ſo many forms, that there is always, on one ſide or other, an aſpect as favourable as he could wiſh. When one writes politics for all mankind at large, there is room to play the philoſopher as much as one pleaſes. The author, unwilling to be read, and expoſed to the criticiſm of any perſons but thoſe who have an univerſal knowledge, and are converſant in the ſubject he treats of, falls into abſtractions and general terms without fear. He never lays any ſtreſs on particulars, however neceſſary. If I was writing for you only, I might uſe the ſame method; but the ſubject of theſe Letters concerns the public

blic in general, conſiſting for the moſt part of men who have more of judgment and good ſenſe than of ſtudy and learning; and, being ignorant of the jargon of the ſchools, are the moſt proper to catch at truth, unadorned with any thing but its native ſimplicity. We ſhould in that caſe diſtinguiſh between the intereſt of the author and that of his readers; and he that would be more uſeful, muſt reſolve to be leſs florid.

Another ſource of error and falſe application, is having notions of that negative right too looſe and indeterminate; producing examples as proofs, that have little relation to the ſubject, and turning the minds of your fellow-citizens from their proper object, by the ſplendor of thoſe that are preſented to their imagination; exalting their pride above their reaſon, and telling them for their comfort, that they are not more ſlaves than the maſters of the univerſe. They fathom the dark abyſs of time; they lead you, in a haughty manner, to range through the uncertain mazes of antiquity; they oſtentatiouſly lay before you Athens, Sparta, Rome, Carthage; and they throw the ſand of Libya in your eyes, to prevent you from ſeeing what paſſes in your own neighbourhood.

Let them determine exactly, as I have endeavoured to do, what this negative right is, ſuch as the Council pretends to exerciſe; and I inſiſt that there never was a government wherein the legiſlative, enſlaved by the executive power, had the misfortune to ſee the laws, when reſigned to its mercy, explained, eluded, and tranſgreſſed at pleaſure, without being able to oppoſe that

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inſolent abuſe by any other means than uſeleſs murmurs and unavailing complaints.

You ſee how far your anonymous author is obliged to alter the nature of his queſtion, that he may bring in his ſimilitudes with leſs impropriety.

He ſays, in page 110, *The negative right not being qualified with the power of making laws, but only with that of preventing every perſon whatſoever from diſturbing the legiſlative power; and not admitting innovations, but by its authority oppoſing all innovations; anſwers exactly the great end propoſed by a political ſociety, which is, to preſerve itſelf in preſerving the conſtitution.*

This is a reaſonable negative right; and, in the ſenſe it is mentioned, is in fact ſo eſſential a part of a democratical conſtitution, that, in general, it would be impoſſible it could be ſupported if the legiſlative power were always liable to interruption by any of its members. You know inſtances may eaſily be had to confirm a principle ſo very evident.

But if this idea is not adequate to the negative right we are ſpeaking of; if the whole paſſage affords not a word which is not a falſehood, by the application the author would make; you will admit that the proofs of the advantage of a negative right, of a nature entirely different, are not at all concluſive in favour of that he endeavours to eſtabliſh.

The negative right exerts no power in making laws. That is true, but it has a power of approving or rejecting whatever is propoſed to be enacted: and it is more convenient to have the power of erecting every act of its will into a particular law, than to be obliged to obſerve gene-

general laws, even where one had himſelf been their author. *But to prevent any perſon whatſoever from diſturbing the legiſlative authority.* He ought rather to ſay, *But to prevent any perſon whatſoever from protecting the laws againſt the power that would trample them under foot.*

And not admitting of innovations, but, &c. .... Why not? who can oppoſe an innovator, who is armed with force, and who is not obliged to be accountable for his conduct? *But by its authority oppoſing all innovations.* We had better ſay, *The power that prevents oppoſing innovations.*

Here is the moſt cunning ſophiſtry, and what recurs frequently in the piece I now examine. He that is poſſeſſed of the executive power, has no neceſſity of innovating by the commiſſion of glaring acts. He has no occaſion for confirming that innovation by any ſolemnity. It is enough if, in the conſtant exerciſe of his power, he has the addreſs to make every thing bend and conform to his will, which never produces any violent ſenſation.

Thoſe, on the contrary, who are quickſighted, and have a judgment ſufficiently penetrating to remark that progreſs and prevent the conſequence, have their choice of two methods: either to oppoſe the firſt innovation, which is but a trifle; and then they are repreſented as turbulent people, ſeeking to embroil their fellow-citizens, and always prepared for an occaſion of quarrelling: or to make head againſt an abuſe which gains ſtrength; and then they are charged themſelves with being innovators. I doubt, though your magiſtrates were the aggreſſors, whe-

whether you could avoid either of these reproaches if you gave them any opposition. But I would advise you to give a preference to the first. Every time the Council makes a change in any established custom, it is with a view which nobody sees, and which it takes care to hide. In this doubtful matter, oppose every novelty that is introduced, great or small. If the Syndics always used themselves to enter the Council with their right foot, and afterwards chuse the left, I say they should be prevented.

We are here furnished with a sensible proof of the ease in concluding for and against, by the method our author pursues: if you apply to the remonstrance of the citizens what he makes applicable to the negative right of the Councils, you will perceive that his general proposition suits better to your own application than to him. *The right of remonstrating*, you will say, *not being a legislative right, but only that of preventing the power that should execute the laws from transgressing them; and not conferring an authority of innovation, but of opposing all novelties whatever; is productive of the great end of a political society, that of preserving itself in taking care of its constitution.* Is not that exactly what the Remonstrants said for themselves; and may not we imagine the author used this argument in their favour? Words ought never to deceive us with respect to ideas; the pretended negative right of the Council is in fact a positive right, and one of the most positive we can conceive, as it gives the petty Council an absolute authority over the state and laws; and their right of remonstrating is, in its strict

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and proper ſenſe, but a negative right, as it only conſiſts in preventing the executive power from exerciſing any authority contrary to law.

Let us take a view of the deſign of this author in the propoſition he lays down. By the addition of three words he would have exactly deſcribed your preſent ſtate.

As liberty can never exiſt in any ſtate where that part of the conſtitution which is intruſted with the executive power ſhall have the privilege of altering them to its fancy, becauſe in that caſe it may execute, as laws, the moſt violent and tyrannical purpoſes.

Here is a lively repreſentation drawn from nature: I am going to exhibit a mere picture of fancy, that you may perceive the contraſt.

There was never any government in a ſtate where the people exerciſed the legiſlative power without ſome regulation. Very well; but who ever ſaid the people ſhould exerciſe ſuch a power without a proper reſtriction?

The author, therefore, having laid down a negative right, of a different nature from that which is the ſubject of our queſtion, ſeems very anxious to know where that other negative right ſhould be placed; which is foreign to the purpoſe, and of which I have made no mention; and eſtabliſhes thereon a principle, which I ſhall not certainly diſpute; that is, *if that negative power can be placed in the government without inconveniency, it ought, from the nature of things, to reſide in the legiſlative body.* Then follow examples, to which I ſhall pay little attention, as they are not at all relative to, but intirely different from, the point in queſtion.

The only inſtance he has offered that has any co-

colour of verisimilitude, is that of England, which is undoubtedly a good model of the proper balance of power in the respective orders that constitute the government in that kingdom. I shall take a view of this; and only, in imitation of my author, use the liberty of comparing small things with great.

Notwithstanding the royal prerogative, which is very extensive, yet they are not afraid of trusting the King with this negative right: but as it cannot be separated from the legislative power but for a short space of time, and a rupture with the legislature being absolutely opposite to his interest, this negative voice is in effect but a means of restraining the legislative body, and keeping it within its due bounds; and the Prince, content with the exercise of an extensive power, which the constitution secures, will always find his interest in its preservation *.

This is, in every respect, however, quite distinct from our case; for as the king of England is invested by the laws with so great an authority in order to protect them, and has no power whatever of infringing them, he can compe nobody to obey his orders; every man willl be more afraid of breaking the laws than the King's commands. Even his ministers may lose their lives, if they should disoblige the Parliament, who are the proper judges of their conduct. Every Englishman has the shelter of the laws, under which he may defy the regal power; and the loweſt of the people may claim the most ample reparation, if they are in the least instance offended. Suppose the King should dare to transgress the law in the slightest manner, the

† Page 117.

breach would be immediately repaired; as he is without right, ſo he would find himſelf without the power of maintaining ſuch an infraction.

In your conſtitution, the petty Council is abſolute in all reſpects: it is miniſter and prince, party and judge at the ſame time: it gives orders, and executes them: it cites, it ſeizes, judges, and puniſhes, from its own authority: it has force at command to makes its orders be obeyed: the perſons it employs are not accountable for what they do, neither with regard to their own conduct, nor to that of the Council: it has nothing to fear from the legiſlature, which alone has a right of inquiry, and to which it will never be its own accuſer: it is never obliged to repair its injuries; and all that the moſt innocent perſon whom it oppreſſes can hope for, is to come off ſafe and ſound, but without ſatisfaction or indemnity.

You may form a judgment of the difference between both conſtitutions, by the conſideration of ſome recent facts. There was a work printed at London, containing the moſt ſatyrical invectives againſt the miniſters, the government, and even againſt the King himſelf. The printers were taken up; that arreſt was contrary to law, the public began to murmur, and there was a neceſſity of releaſing them. But the matter did not end there; the printers called the magiſtracy to an account in their turn, and recovered prodigious damages and coſts. Let us compare this with the caſe of Bardin, a bookſeller at Geneva, to which I ſhall ſpeak preſently. Another inſtance was of a robbery committed in the city: a citizen is impriſoned without the leaſt proof, on an idle ſuſpicion, againſt law; his

his houſe is ſearched, and no indignity ſpared that could be offered to a malefactor: his innocence at laſt appears; he is releaſed; he complains, without any redreſs, and all is over.

Suppoſe that at London I had the misfortune of diſpleaſing the Court; and that, contrary to reaſon and juſtice, it had ſeized a book of mine, as a pretext to burn it, and condemn the author: I need only petition the Parliament, as being proſecuted contrary to law; and on proving my caſe, I ſhould obtain the moſt public reparation, and the judge would certainly be puniſhed, and perhaps be turned out of his employment.

Let us now imagine Mr Wilkes at Geneva, talking, writing, printing, and publiſhing the fourth part of what he wrote and publiſhed at London, againſt the petty Council. I will not ſay poſitively they would put him to death, tho' I am of that opinion; but it is certain he would be ſeized inſtantly, and ſuffer a moſt grievous puniſhment in a very ſhort time *.

You will ſay, Mr Wilkes was a member of the legiſlative body in his own country. And pray, was I not the ſame in mine? It is true, the author of the Letters pays no regard to the quality of citizen. *The rules of the procedure*, ſays he, *ſhould be the ſame with reſpect to all men; they flow not from any right in the city, but from the laws of humanity* †.

Happily for you, the fact is not ſo ‡; and as to

* The law being found inſufficient to puniſh Mr Wilkes for his political writings, it was neceſſary to uſe other methods; and accordingly they made uſe of religion as a pretext for carrying on a farther proſecution.

† Page 54.

‡ The right of favour, in certain caſes, belongs only to citizens

to the maxim, it conceals, under very fine words, a moſt execrable ſophiſm. The intereſt of the magiſtrate, which in your ſtate is often oppoſite to that of the citizen, but never in the caſe of a ſtranger, requires very great caution, leſt the accuſed be unjuſtly condemned. This diſtinction is verified by facts. There is not, perhaps, a ſingle inſtance where a ſtranger has been puniſhed with injuſtice, ſince the commencement of the republic: and how many acts of atrocious violence againſt the citizens will be found in your annals? It is true, that the neceſſary precautions for their ſecurity may extend, without inconvenience, to all acts of prevention; as their intent is not to ſave the guilty, but to protect the innocent: for that reaſon, the thirtieth article of the regulation makes no exception of perſons, tho' it is of no great advantage

tizens and burghers, by virtue of the edict; but by their mediation it was extended to natives and inhabitants, who being engaged in the ſame common cauſe, had need of the ſame precautions for their ſecurity: ſtrangers are excluded. They are alſo ſenſible, that the aſſiſtance of four relations, or friends, as a prevention in a criminal proceſs, is not of any great uſe to the latter; it is owing to theſe that the magiſtrate has intereſt ſufficient to deſtroy, and to whom the law gives their natural enemy as a judge. It is even ſurpriſing, that, after ſo many dreadful inſtances, the citizens have not taken more care of their own ſafety, than to leave the whole affair relating to criminal matters at large, without being guarded by edicts or laws, and almoſt reſigned to the diſcretionary power of the Council. But there is one good act, for which the Genevans, and all juſt men, ſhould be thankful to the Mediators; and that is, the abolition of the Queſtion, or Torture, *in præparatorio*. I have had always a malicious ſmile, when I ſee ſo many fine books written in compliment to European humanity, in thoſe very countries where mens limbs are broken and diſjointed for amuſement, while they wait to ſee whether they are guilty or not. I have always regarded the Torture, as a means employed by thoſe in power, to lay on the weak the imputation of crimes which they have a mind to puniſh.

tage to the Genevans, as things are managed.

But to return to our compariſon of the negative right, as it exiſts among you, with that exerciſed in England. That of the King of England conſiſts of two parts, *viz.* the ſole power of convoking or diſſolving the legiſlative body, and that of rejecting the laws it propoſes: but it conſiſts not in preventing the legiſlative power from knowing and rectifying thoſe infractions it might make with reſpect to the laws themſelves.

On the other hand, that negative right is well qualified by the triennial law *, which obliges them to call a new Parliament at a certain time limited; and moreover, by an inherent neceſſity, whereby it is almoſt always aſſembled †; and laſtly, by the negative right of the Houſe of Commons, which is not a jot leſs powerful than its own.

It is qualified by the authority which each Houſe has over itſelf, being aſſembled, whether in propoſing, diſcuſſing, or examining into the laws, and all matters relating to government; or whether by that branch of the executive power that is lodged in them, jointly and ſeverally, as well in the Houſe of Commons, which takes cogniſance of public grievances and all attempts againſt the laws, as in the Houſe of Lords, who are ſupreme judges in criminal affairs, and chiefly ſuch as are offences againſt the ſtate.

Such, Sir, is the negative right exerciſed by the King of England; and if your magiſtrates

* Now ſeptennial, by a fault the Engliſh will ever have cauſe to repent.

† As the Parliament grants the ſubſidies but for one year, the King is obliged to demand them every year of his Parliament.

claim no other, I adviſe you not to diſpute with them about it. But I cannot ſee, in your ſituation, what buſineſs they have with a legiſlative power, nor what can oblige them to aſſemble it, for any uſeful purpoſe, in any caſe whatever, ſince new laws are unneceſſary for gentlemen who place themſelves above all law. A government which ſubſiſts by its own revenues, and is not engaged in war, has no need of freſh taxes, and which, by inveſting the whole body with that power of which the principals are deprived, renders the choice of thoſe principals a matter of indifference.

I do not ſee what reſtraint could be laid on them by the legiſlature, which exiſt but for a moment, and are incapable of determining any point but that on which they are conſulted.

It is true, the King of England has the power of making peace and war; but as that power is rather imaginary than real, at leaſt as far as concerns war, I have pointed out already, in the Social Contract, that ſuch is not the affair wherein you are engaged, and that you muſt abſolutely renounce all honorary rights, when the enjoyment of liberty is the queſtion. I admit that the King can confer and take away all employments as ſhall be moſt agreeable to his views, and corrupt the legiſlature by degrees. That is exactly the point which turns the ſcale to the advantage of the Council, who have little occaſion for ſuch methods, and who enſlave you at a cheaper rate. Corruption is an abuſe of liberty, but it proves the exiſtence of liberty; for it is uſeleſs to corrupt thoſe who are already in our own power, and whom we can employ in what buſineſs we pleaſe. As to places,

places, without mentioning thoſe which are diſpoſed of either by the Council or by that of the Two-hundred, it is much to the advantage of men of the greateſt conſequence amongſt themſelves: they are filled up but of one's own body, which is ſtill more for their intereſt; for one is always ſurer of what is done by their own hands, than of that which we intruſt to the care of others. The Engliſh hiſtory abounds with proofs of the reſiſtance made by the officers of the crown againſt their princes, whenever they were inclined to tranſgreſs the laws. See if you can find inſtances of ſuch reſiſtance againſt the Council, made by the officers of the ſtate, even on the moſt deteſtable occaſions. Whoever is in the pay of the republic, is no longer a citizen of Geneva. He is but a ſlave, and a follower of the Twenty-five; ready to trample under foot his country and the laws, whenever they ſhall command him. So that the law of England, which takes from the King all power of doing hurt, inveſts him with a very great one of doing good. But it doth not appear to be on this account that the Council are ſo very jealous of extending theirs.

The Kings of England, aſſured of their own extenſive privileges, find it their intereſt to preſerve the conſtitution, becauſe they deſpair of any alteration. Your magiſtrates, on the contrary, ſure of making the forms of your conſtitution ſubſervient to their ends of changing it entirely, are intereſted in preſerving theſe forms as the inſtruments of their uſurpation. They have now arrived at their *ne plus ultra* of encroachment on the liberties of their country, by the dangerous ſtep they have taken. They might

might very well ſay, they were more intereſted in preſerving the conſtitution than the King of England, but through a motive widely different. Behold the parallel I have drawn between the conſtitution of the two countries, and this is all the ſimilitude I can find in the compariſon of their reſpective governments. I leave you to judge to which ſide the balance of liberty inclines after this compariſon.

The author, who delights in pompous examples, gives us that of ancient Rome. He reproaches, with bitterneſs, her turbulent and ſeditious Tribunes: he deplores the unhappy fate of that city, under their boiſterous adminiſtration; which, however, from being a petty ſtate before the eſtabliſhment of thoſe magiſtrates, experienced five hundred years of glory and proſperous ſucceſs under their government, and became the capital of the world. At laſt ſhe fell, becauſe every thing that is temporal muſt have an end. Her deſtruction was owing to the uſurpations of the nobility, the Conſuls, and Generals; who invaded her liberties. She expired through the exceſs of her own greatneſs, which ſhe arrived at only by the perfection of her government. In this ſenſe, it may be ſaid, ſhe was deſtroyed by her Tribunes *.

Upon

* The Tribunes never went out of the city, and had no authority without the walls; ſo the Conſuls, the more effectually to draw them from their inſpection of public affairs, ſometimes held their aſſemblies in the country. Now the fetters of Rome were not forged in the city, but in her armies, and ſhe loſt her liberty by the greatneſs of her victories. That loſs, therefore, proceeded not from the ſeditious intrigues of the Tribunes.

It is true, Cæſar made them ſubſervient to his ambition, and uſed them in the ſame manner as Sylla had done the Senate.

Each

Upon the whole, I excuſe not the errors of the Roman people, and I have ſaid the ſame in the Social Compact. I blame them for having uſurped the executive power, of which they were only the guardians *. I have ſhewed on what principles the Tribunate ought to have been eſtabliſhed, the bounds that ſhould have confined it, and how this might have been performed. Theſe rules were very ill obſerved at Rome; yet you ſee what great actions were done under the Tribunate, with all its abuſes. What would it not have executed, if it had been directed by a proper regulation? I can find nothing here conformable to the ſentiments of this author; and to draw a concluſion againſt him, I ſhould have choſen the ſame example.

But there is no neceſſity for theſe far-fetched, tho' illuſtrious inſtances; ſo haughtily invidious in

Each took the moſt likely methods to obtain his ends. But as ſomebody muſt have ſucceeded, of what importance was it whether the lot fell to Marius or Sylla? What did it ſignify whether Ceſar or Pompey, Octavius or Antony, was to be the uſurper? There would have been an uſurpation of power inevitably from one ſide or other; armies at a diſtance muſt have had commanders, and it was impoſſible but one or other of theſe generals would make himſelf maſter of the ſtate. The Tribunate contributed nothing, therefore, to this revolution.

In fine, the ſame prancing which the author of the Letters ſet out with, in relation to the Tribunes, was made in 1715, by M. de Chapeaurouge, Counſellor of ſtate, in his Memorial againſt the office of Proctor-general. M. Louis le Fort, who filled that employment with honour to himſelf, ſhewed him, in an elegant letter in anſwer to his memorial, that the credit and authority of the Tribunes had been the ſafety of the commonwealth; and that its ruin did not proceed from them, but from the Conſuls. Certainly, M. Le Fort little thought by whom this opinion would have been revived in our days, which he had ſo well refuted.

* See the Social Compact, book i. chap. 5. I believe there may be found in this chapter, which is a ſhort one, ſome good maxims on this ſubject.

in themſelves, and ſo apt to deceive us in the application. Let us not forge our own chains, by drawing parallels ſo flattering to our vanity. Too contemptible for compariſon, be ſatisfied, and blind not yourſelves by reflecting on your own importance. The people of antiquity are not proper models of modern policy. The difference is great in all reſpects. But above all, do you people of Geneva keep yourſelves within your own ſphere, and mind not thoſe elevated objects that are ſet before your eyes in order to dazzle, and conceal from you the dark pit that is digging for you. You are neither Romans nor Spartans; you are not even Athenians. Forget thoſe illuſtrious names, which are very unſuitable to your ſtate, territory, or power. You are but merchants, mechanics, burghers, always buſied about your private intereſt and concerns, your labour, and the means of providing for the neceſſities of life; people, to whom liberty itſelf can contribute nothing more than an aſſurance of gaining them without impediment, and poſſeſſing them without moleſtation.

This ſituation requires other maxims. As you lead more active lives than the people of antiquity, you have not the ſame leiſure for a particular application to the art of government. But even in caſe you were to take the pains of watching over the conſtitution, it would be neceſſary it ſhould be conſtructed in a manner more ſuitable to your capacities, where you might perceive the different operations, and provide againſt the abuſes. Every office you are obliged to undertake for the public ſervice, ſhould be rendered ſo much the more eaſy to diſcharge, as it is a trouble which puts you to expence,

and

and in which you do not engage as volunteers; for to desire an entire manumission from every burden, is to wish to be no longer free. We must take our choice, said the beneficent philosopher; and let those who are not able to bear the fatigue, seek their ease in retirement and servitude.

A restless, idle, and factious people, who, for want of particular employment, are always ready to meddle in affairs of state, ought doubtless to be restrained. But, once more, Are the people of Geneva such? Nothing can be more opposite. They are their very antipodes. Your citizens, quite immersed in their occupations and domestic cares, and besides of no enterprising dispositions, never dream of the public interest but when their own is attacked. Too careless to inquire into the conduct of their Chiefs, they see not the chains that are prepared for them till they feel their weight. Always fixed on other objects, they suffer themselves to be imposed on in matters of greatest moment, and are ever in search for the remedy, because they are incapable of preventing the evil. By endeavouring to gain their point, they are always too late for success. They would have been often destroyed by their lethargic slowness, if the impetuosity of the magistrates had not roused them; and even when the same oppressive power has been exerted, to which the magistracy so much aspire, they were never apprised of the danger.

Look into the history of your government, and you will see the Council eager in its pursuits, and often disappointed by making too much haste to accomplish them, and the burgesses retract-

tracting an affair which they ſuffered to be done without the leaſt oppoſition.

In 1570, the ſtate was loaded with debts, and laboured under many calamities. As it was very inconvenient at this time to aſſemble the general Council, it was propoſed to give authority to the Councils to provide for the preſent neceſſities, which was agreed to. From thence they arrogated the power of levying taxes, and for more than a century they have been permitted to lay impoſts on the people without any oppoſition.

In 1714, they projected, for ſome ſecret ends *, the monſtrous and ridiculous deſign of adding fortifications to the city, without the advice of the general Council, and contrary to the expreſs words of the edicts. In conſequence of this fine undertaking, they eſtabliſhed taxes for ten years, without any ſubſequent act to confirm what they had done. Some complaints aroſe; they deſpiſed them; yet all was ſilent.

In 1725, the term of the impoſts expired. The queſtion was to prolong them. This was the lazy minute of the burgeſſes, though ſo neceſſary to reclaim their long neglected right. But the plague being at Marſeilles, and the Royal Bank being in diſorder, every one, concerned for his private fortune, diſregarded the dangers to which his liberty was expoſed. The Council, ever attentive to its intereſt, obtained a renewal of the taxes in the Council of Two-hundred, with the participation of the general Council.

When the ſecond term expired, the citizens opened their eyes, and reclaimed their right all at

* This has been ſpoken of before.

at once, after a lethargic inattention for an hundred and ſixty years. But the magiſtracy, inſtead of temporiſing, or giving up the point, entered into a conſpiracy. The plot was diſcovered*, the burghers were obliged to arm themſelves, and by this deſperate attempt the Council loſt in one inſtant an age of uſurpation.

Scarce was every thing ſeemingly pacified, but, not being pleaſed with their defeat, they formed a new conſpiracy. The Burgeſſes ran again to their arms, the neighbouring powers interpoſed their good offices, and their mutual rights were finally ſettled.

In 1650, the inferior Councils introduced into their body a method of collecting the votes; better, indeed, than the ancient cuſtom, but not conformable to the edicts. They ſtill continue in the general Council to follow the eſtabliſhed rule, into which many abuſes are crept; and this has laſted upwards of fifty years, before the citizens thought either of complain-

* The deſign was, to form a kind of citadel round the eminence on which the Town-houſe ſtands, and thereby to enſlave the people. The timber prepared for the work, a plan of diſpoſitions for garriſoning it, the orders given in conſequence to the captains of the garriſon, the conveyance of ammunition and arms from the arſenal to the town-houſe, the ſpiking of twenty-two pieces of cannon in a diſtant fortreſs, the clandeſtine removal of ſeveral others; in a word, all the preparations for the moſt violent enterpriſe, carried on without the knowledge of the Councils, by the Syndic of the guard and other magiſtrates, were not ſufficient, when diſcovered, to obtain any proceedings againſt the guilty, nor even to occaſion an improvement of the project. And yet the Burgeſſes, being maſters of the place, let them peaceably depart, without diſturbing their retreat, ſhewing them the leaſt inſult, entering their houſes, diſquieting their families, or taking any thing that belonged to them. In any other country, the people would have begun with maſſacring the conſpirators, and pillaging their houſes.

ing of the innovation, or demanding to have the ſame eſtabliſhed in that Council of which they are members. They at laſt demanded it; and, what is incredible, they were coolly oppoſed by a quotation of the ſame edict, which the magiſtrates themſelves have violated for above fifty years.

In 1707, a citizen was tried in a clandeſtine manner contrary to law, condemned, and afterwards ſhot in the priſon; another was hanged on the ſole teſtimony of a falſe witneſs, known to be ſuch; another found dead. All this paſſed unheeded, and never was once ſpoken of till 1734, when ſomebody took it in his head to inquire of the magiſtrate what was become of the citizen that had been ſhot in priſon thirty years before?

In 1736, they eſtabliſhed criminal courts without Syndics. In the midſt of the diſtractions which prevailed at that time, the citizens were too much taken up with their own affairs to have an eye to every thing at once. In 1758, they repeat the ſame ſtroke of policy: thoſe who were affected by this complaint are ſilenced by authority, and all is over. They renewed, in 1762, the ſame proceedings *. The citizens again

* This was a ſtate-inquiſition, enough to make one ſhudder. Can it be imagined that, in a country of liberty, they can puniſh a citizen as a criminal, for only having written a letter to another citizen, in decent terms, with reſpect to the conduct of the magiſtrate in the caſe of a third citizen? Do you find ſuch inſtances in the moſt arbitrary governments? At the time of M. de Silhouette's retreat, I wrote him a letter, which ſpread all over Paris. This was a piece of boldneſs, for which I was certainly to blame, and is perhaps the only reprehenſible thing I ever wrote: yet they never took notice of it. They puniſh libels in France; they do very right: but they permit private perſons to reaſon on public affairs, provided it is

again complain the year after; the Council anſwered, You come too late, the cuſtom is already eſtabliſhed.

In June 1762, a citizen, who had incurred the diſpleaſure of the Council, was diſhonoured by a cenſure on his writings, and himſelf perſonally condemned, contrary to a ſolemn edict. His friends, aſtoniſhed, demand, by a petition, to have the ſentence communicated; which was refuſed, and all was ſilent. A year after this affair, the diſhonoured citizen, ſeeing that no proteſt was entered in his favour, reſigned his freedom of the city. The burghers, at laſt, complained againſt the violence; but it was too late.

A more remarkable affair was that of the Sieur Bardin, though of a trifling nature. A bookſeller ſends his correſpondent the copies of a book juſt publiſhed. Before the arrival of the copies, the book is ordered to be ſuppreſſed. The bookſeller goes to the magiſtrate, ſhews his commiſſion, and deſires to know how he ſhall act: the magiſtrate orders him to acquaint him as ſoon as they arrive; they come, he acquaints the magiſtrate, the books are ſeized; he waits, either to have them returned, or the value; the books are detained, without giving any ſatisfaction. He preſents a petition, praying that the books may be ſent back, given to himſelf, or paid for. All is refuſed, the man loſt his books; and theſe are the perſons appointed to puniſh robbery, who have committed it themſelves in this inſtance.

is done without bitterneſs or inveſtive. After my long affection to a republican government, muſt I now, in my old age, change my ſentiments, and find more liberty in a monarchy than in our republics?

If we conſider this matter with all its circumſtances, I doubt if we can find ſuch another caſe in any Parliament, Senate, Council, or in any Divan or tribunal whatever. If they had intended to have ſtabbed property without reaſon or colour, even in its vitals, they could not have taken a more open and barefaced method. Yet the affair is over, every body is ſilent; and if it had not ſome grievances of a ſerious nature, it would never have been mentioned. How many other affairs have been ſmothered, for want of opportunities of bringing them in evidence?

If the example I have quoted ſeems too trifling, I ſhall give another of a different nature. A little attention, Sir, if you pleaſe, and I ſhall ſpare all that might be added to the account.

At a Council held the 20th of November, 1763, for the election of a Lieutenant and Treaſurer, the citizens took notice of a difference between the printed edict they had themſelves, and one in writing which was read by a Secretary of ſtate. In the firſt, the election of a Treaſurer ſhould be made at the ſame time with that of the Syndics; and by the ſecond, together with the Lieutenant. They remarked beſides, that the edict enjoins that the Treaſurer ſhould be elected every three years; yet by the cuſtom they had eſtabliſhed, he was continued for ſix, and at the expiration of three years they only confirmed the election of him that was in office.

This diverſity in the text of the law, with reſpect to the printed edict, and that in manuſcript read by the Secretary, which had not been obſerved before, gave an occaſion of taking notice of others, which made them uneaſy for the reſt of the edicts. Notwithſtanding the frequent

quent experience of the citizens of the little attention paid to their remonſtrances, however juſt, they renewed them on this occaſion, requiring that the original text of the edicts ſhould be depoſited in the Chancery, or in ſome other place of record, at the choice of the Council, where they might have an opportunity of comparing that text with the printed copy.

You may recollect, Sir, that in the forty-ſecond article of the edict of 1738, it was ordered, that a general code of the laws of the ſtate ſhould be printed with expedition, which ſhould contain all the edicts and regulations. For twenty-ſix years, this has lain dormant; nor have the citizens thought proper to take notice of ſo extraordinary an omiſſion during that period*.

You may alſo remember, that in a memorial, printed in 1745, an exiled member of the Council of Two-hundred gave ſtrong intimations of want of veracity in the edicts printed in 1713, and reprinted in 1735, as equally liable to be ſuſpected of colluſion. He ſaid, he had compared the printed with the manuſcript edicts, in which he found a multitude of errors, which he noted; and he mentions the particular words of an edict in 1556, which are entirely omitted in the printed copy. The Council gave no anſwer

* What excuſe or apology could be made to ſkreen the omiſſion of ſo important and peremptory an order, I cannot for my part conceive. When one mentions the ſubject in converſation to any of the magiſtrates, they anſwer coldly, *Every particular edict is printed, you may collect them*: As if one could be certain that all were printed; or as if a collection of theſe ſcraps could form a complete body of laws, a general Code authenticated in the manner preſcribed by the 42d article. Is it thus theſe gentlemen fulfil an engagement of ſo ſolemn a nature? What dangerous conſequences may not proceed from ſuch intended omiſſions?

to theſe heavy imputations, and the citizens have held their peace ever ſince.

Suppoſe, if you will, that the dignity of the Council would not permit their making a reply immediately to the imputations of an exiled member; yet that very dignity, the reflection caſt on their honour, and the ſuſpicion of their probity, required a juſtification equivalent to the charge which theſe proofs made neceſſary, and which the injured public had a right to obtain.

But no acknowledgment or juſtification ever appeared. The petty Council alledged, that they had a right to make the alteration in the edict beforementioned, by virtue of an ancient cuſtom, which, as the general Council did not oppoſe at the beginning, they had no power afterwards of reſtraining.

It accounts for the difference between the manuſcript in the hands of the Council and the printed copy, by making that manuſcript a collection of edicts, with the changes introduced by practice, and aſſented to by the ſilence of the general Council; and the printed copy but a collection of the ſame edicts, exactly as they paſſed in the general Council, without any alteration.

It juſtifies the confirmation of the Treaſurer, contrary to the edict, which ordains, that another ſhould be elected at the end of three years, by again alledging an ancient cuſtom. The citizens cannot complain of an infraction of any edict, which the Council doth not juſtify by retorting a prior infraction on the citizens: they can never preſent a remonſtrance which it doth not reject, always reproaching them with being too late in their application.

As to the remonſtrance, which requeſted a com-

communication of the original text of the laws, it was abſolutely rejected *, as being contrary to the rules, or becauſe the citizens and burghers ought to know no other text of the laws but what was in the printed copy, although the petty Council make uſe of another, which it has alſo introduced into the general Council †.

Is it therefore againſt their rules, that one who has paſſed an act ſhould have a ſight of the original of that act, leſt the variation in the copies ſhould make him ſuſpect error or falſification? and is it conſiſtent with the rule, that there ſhould be two different texts of the ſame law, one for the people, and another for the government? Have you ever heard any thing like it? And yet, with all theſe late diſcoveries and diſ-

* Theſe refuſals, ſo cruel and peremptory, of the moſt reaſonable and juſt requeſts, appear very unnatural. Is it credible that the Council of Geneva, compoſed, for the moſt part, of judicious and ſenſible men, ſhould not have perceived how deteſtable and even terrifying it muſt be, to reject the complaints of freemen, members of their legiſlature, and refuſe them a communication of the original text of the laws, and by that means foment the ſuſpicions raiſed by that air of myſtery and darkneſs with which it is always veiled from their eyes. For my part, I am inclined to think theſe refuſals irkſome to them; but they have made it a rule, in order to diſcourage the uſe of Remonſtrances, to return negative anſwers. Can it really be preſumed, that the moſt patient people on earth will not be wearied with ſtill aſking what they can never obtain, and which is conſtantly refuſed them? Beſides, conſider the motion made before, in the Council of Two-hundred, to have information ready againſt the authors of the laſt Remonſtrances, for only uſing a right the law gave them. Who, therefore, would expoſe himſelf to a proſecution, for taking a ſtep that he knows beforehand will be unſucceſsful? If that be the plan adopted by the petty Council, it muſt be confeſſed they are indefatigable in purſuing it.

† Extract from the Regiſters of the Council of 7th December 1763, in anſwer to the verbal repreſentation made on the 21ſt of November by ſix citizens or burghers.

diſguſting refuſals, the citizens, cheated out of their legal demands, are ſilent, and remain in patient tranquillity.

Theſe, Sir, are facts of notoriety in your city, and which you know much better than I can pretend; I could add many other inſtances beſides what have eſcaped my memory. Theſe will ſuffice to form a judgement, whether the burgeſſes of Geneva ever were, I do not ſay turbulent and ſeditious, but even vigilant, attentive to their intereſts, or eaſily moved to defend their rights and privileges, the beſt eſtabliſhed and the moſt openly invaded?

We are told, *that an alert and ingenious people, who have a great capacity for politics, and who are conſtantly employed in taking care of their conſtitutional rights, ſhould neceſſarily confer a negative power on their rulers* †. To explain this negative power, we muſt agree on ſome certain principle; but is the application properly ſuited to you? Have they forgot the character they have elſewhere given of you, as having more indolence by nature than other nations *? And how can they ſay that the people of Geneva are much concerned for their political rights, when it is plain they never ſtir till it is too late, with great reluctance, and only in caſes of the moſt imminent danger?

So that by forbearing to attack the rights of the burgeſſes with ſo much violence, it would always depend on the Council to prevent their conteſting for the future.

Let us draw a compariſon between the two parties, in order to form a judgement which is moſt dangerous from its activity, and where the ne-

† Page 120. * Page 154.

negative right ſhould be placed to temper that activity.

On the one hand, I find a people, not very numerous; of a peaceable and indolent diſpoſition; laborious, lovers of gain; ſubmiſſive, for their own intereſts, to the laws and magiſtrates; entirely taken up with their trades and buſineſs; all equal as to their rights, and not much diſtinguiſhed by difference of fortune, having amongſt them neither chiefs nor dependents; all held by their commerce, by their condition, by their fortune, in great dependence on their magiſtrates, whom they muſt take care to oblige; all afraid of giving them offence; if ever they mind public affairs, it is always to their prejudice. Engaged, on one hand, by their more intereſting family-concerns; on the other, prevented by conſiderations of prudence, by repeated experience, which convinces them that in a ſmall ſtate like yours, where every thing is perpetually obſerved by the Council, it muſt be dangerous to offend them; they are compelled, by the moſt forcible reaſons, to ſacrifice every thing to peace, for by that only they can hope to ſucceed; and in this ſituation of affairs, every one, engaged by his own intereſt, would chuſe rather to be protected than free, and makes his court in order to make his fortune.

I find, on the other hand, in a ſmall city, whoſe affairs at bottom are not of much conſequence, a body of magiſtrates perpetual and independent, very much at leiſure by their ſituation in life, ſtill occupied in an intereſt of great moment, and very natural to perſons in command, which is to aggrandiſe their empire; for ambition, like avarice, is nouriſhed by its opportor-

portunities of advantage; and the more extenſive their power, the more they are devoured by an inſatiable thirſt of being greater. Always attentive to remark the inſenſible diſtance between themſelves and their equals in birth, they look on them as inferiors, and long earneſtly to make them ſubjects. Armed with the whole force of the ſtate, depoſitary of all authority, their body is the ſole interpreter and diſpenſer of thoſe laws that confine it; it is provided with ſuch arms, offenſive and defenſive, as render it formidable and reſpectable to all that would offer to inſult it. It tranſgreſſes the law, even in the name of the law, with impunity; it has the power of attacking the conſtitution, by feigning to defend it; and it can treat as a rebel whomſoever dare defend it in reality. All the enterpriſes of ſuch a body become eaſy; it never gives any perſon a right of either knowing or preventing its deſigns; it can act, defer, or ſuſpend; it can ſeduce, terrify, and puniſh all who oppoſe it; and if it ever condeſcends to make uſe of pretences, that is more for decency than neceſſity. It has, therefore, the will to extend its power, and the means of arriving at the end of its deſires. Such is the relative ſtate of the petty Council and the burgeſſes of Geneva. Which ought to have the negative right to curb the ambition of the other? The author of the Letters affirms it to be the former.

In moſt governments, their inteſtine troubles proceed from an ignorant and brutiſh populace, heated by inſupportable grievances, ſecretly conſpiring by means of dextrous incendiaries, inveſted with the appearance of ſome authority they would endeavour to extend. But can any thing be

be more falſe than ſuch an application to the burghers of Geneva, at leaſt with reſpect to arming themſelves for the defence of the laws? At all times, that has been the practice of the middle rank, between the rich and poor, between the principals of the ſtate and the populace. That order, compoſed of perſons nearly equal in fortune, in condition, and underſtanding, is neither ſo high to form pretenſions, nor ſo low as to have nothing to loſe. Their great and common intereſt is, to ſee that the laws be obſerved, the magiſtrates reſpected, that the conſtitution be ſupported, and the ſtate in tranquillity. No perſon of that order poſſeſſes ſuch ſuperiority over the reſt, as to have it in his power to ſport with the reſt for his private intereſt. This is the ſoundeſt part of the commonwealth, and the only one whoſe conduct, we may be certain, propoſes nothing for its object but the good of the whole. Thus we may always obſerve, in their ordinary proceedings, a decency, a moderation, and a becoming fortitude, a certain air of gravity, which they receive from a conſciouſneſs of being in the right, and which retains them in their duty. Behold, on the contrary, how the other part of the people are ſupported; people who abound in wealth on the one hand, and the moſt abject and low on the other. Is it in theſe extremes, where the one doth his utmoſt to buy, and the other to ſell himſelf, that we are to expect the love of juſtice and the laws? They are the cauſes of the ſtate's degeneracy. The rich have the law in their pockets, and the poor chuſe bread rather than liberty. It is ſufficient to compare theſe oppoſite orders, to form a judgment which of them would make

make the firſt attack on the conſtitution. Look into your hiſtory, and you will find whether all conſpiracies have not taken their riſe from the magiſtracy, and whether the citizens had ever recourſe to violence but when it was abſolutely neceſſary for their own preſervation.

No doubt they rally you, when, in conſequence of the right claimed by your fellow-citizens, they repreſent the ſtate as a prey to cabal, ſeduction, and the firſt comer. The negative right, aſſumed by the Council, was unknown till now. What evils hath it not produced? Dreadful would have been the conſequence if it had obſtinately inſiſted on that right, when the burgeſſes ſo well ſupported theirs. Retort their own argument, which they draw from two hundred years of proſperity: What can they anſwer? This government, you may ſay, firmly eſtabliſhed by time, ſupported by ſo many titles, authoriſed by ſo long a preſcription, rendered venerable by its ſucceſſes, and in which the Council's negative right was altogether unknown, is it not preferable to our once arbitrary government, of which we ſtill know not either the properties, or what analogy it bore to our happineſs, and wherein our reaſon could point out nothing but the weight of our miſeries?

To ſuppoſe that all the abuſes proceed from the adverſe party, and that they themſelves have none, is a very mean and trite piece of ſophiſtry, of which every ſenſible perſon ſhould be aware. We ought to ſuppoſe that abuſes are common to both, as they imperceptibly inſinuate themſelves every where. But that is not ſaying that their conſequences are the ſame. Every abuſe is an evil, often unavoidable, and for which it would

not

not be always proper to adminiſter a remedy. But compare them; and you will find them, on one ſide, certain and terrible evils, without bounds and without end; on the other ſide, the abuſe, though really hard to be borne, yet, if it be very great, will often paſs over, and is of ſuch a nature, as that, if there be opportunity, it always brings its remedy. For, once more, I ſay, there is no poſſibility of enjoying liberty, but by the obſervation of the laws, or the general conſent of the community to which we belong; and it is no more the inclination of the general conſent to hurt us, than it is in our will to injure ourſelves. But ſuppoſe the abuſe of liberty to be as natural as the abuſe of power, yet there will always be this difference between them, that the abuſe of liberty turns to the prejudice of him that abuſes it, and the puniſhment he feels from the wrong he has done to himſelf compels him to ſeek a remedy; ſo the diſorder in that caſe is but a criſis, which is not permanent: on the other hand, the abuſe of power not turning to the prejudice of the powerful, but of the weak, is by its very nature without meaſure, reſtraint, or limits; and never ends but in the deſtruction of him alone who feels its oppreſſion. Let us admit, that the government ſhould be adminiſtered by a few, but the inſpection of that government belongs to many; and if the abuſe is inevitable on all ſides, it is much more reaſonable the people ſhould be miſerable through their own fault, than that they ſhould be undone by the hands of another.

The firſt and greateſt public intereſt is juſtice. All would wiſh the conditions equal for all, and juſtice is nothing but that equality. The citizen

want only the laws and the obſervance of them. Each individual among the people very well knows, that if there be any exceptions, they will not be made in his favour; ſo that every one is afraid of the exception; and he that fears the exception regards the law. Among the principals, the caſe is different; even their condition gives a preference, and they look every where for it *. If they would have laws, it is not to obey, but to diſpenſe them. They would have laws, to put themſelves in their ſtead, and to make themſelves feared in their name. Every thing favours them in this project. They uſe the rights that belong to them, to uſurp, without danger, thoſe that do not. As they always ſpeak in the name of the law, even when they tranſgreſs it moſt, whoever dare take its part againſt them is a ſower of ſedition and a rebel; he deſerves death: and as to them, ſtill certain of acting, in all their enterpriſes, with impunity, the worſt that can happen is a diſappointment. If they have need of ſupport, they find it every where. The powerful have a natural alliance with each other; and the weakneſs of the poor conſiſts in not having the advantage of ſuch a combination. Thus it is the lot of the people to have always intereſted parties

* Juſtice in the people, is a virtue of the ſtate; oppreſſion and tyranny in the Chiefs, is a vice alſo of the ſtate. If we that are but private perſons were in their ſituation, we ſhould become, like them, violent and unjuſt uſurpers. When, therefore, Magiſtrates preach up their integrity, their moderation, and their juſtice, they deceive us, if by that means they would gain a confidence which we do not owe them: Not but that they may be endowed perſonally with the virtues they ſo much boaſt; but then they make an exception, which is what the law ought not to regard.

ties for judges. Happy, if they can find them ſufficiently equitable to protect them, contrary to their own maxims, contrary to that ſentiment ſo deeply engraved on the human heart, to love and favour thoſe intereſts that have a reſemblance to our own. You have once experienced that advantage, which was more than you had reaſon to hope. When the Mediation was received, they believed you undone: but you were happy in having defenders of ſenſe and fortitude, honeſt and generous Mediators: you ſaw the triumph of juſtice and truth. Could you reaſonably expect to be happy twice? You have enjoyed a ſcarce and valuable bleſſing, and at which your oppreſſors are not a little alarmed.

Having laid before you all the imaginary evils of a right as ancient as your conſtitution, and which has never been productive of any ill conſequence, they palliate, they deny the miſchiefs of the upſtart right they uſurp, and which are ſenſibly felt at this time. Obliged to confeſs that the government may abuſe that negative right, even to the moſt intolerable tyranny, they inſiſt, that that which is come to paſs will never happen, and without any colour change what is every day open to your inſpection, into a bare poſſibility. Nobody will, nobody dare ſay, that the government is not mild and equitable: and obſerve, that this was mentioned in the anſwer to the remonſtrances, wherein they complained of the acts of violence and injuſtice committed by the government. This is what might be called a fine ſtyle: it is like the eloquence of Pericles, who, being thrown by Thucydides at wreſtling, attempted to prove to the ſpectators that it was himſelf who had overthrown the other.

Thus by getting poſſeſſion of other people's property, without any pretext whatever; by impriſoning the innocent without cauſe; by diſhonouring a citizen, without giving an opportunity of juſtifying himſelf; by condemning another contrary to law; by protecting obſcene books, and burning thoſe that inculcate virtue and liberty; by perſecuting the authors; by concealing the genuine text of the law; by refuſing the people the moſt reaſonable ſatisfaction; by exerciſing the moſt abſolute and ſevere deſpotiſm; by deſtroying that liberty they ought to protect; by cruelly oppreſſing their country, to which they ſhould be nurſing fathers; theſe gentlemen compliment themſelves on the extraordinary juſtice of their determinations; they are in raptures on the mildneſs of their government, and confidently declare that every body is of their opinion in that point. Yet I very much doubt whether you are of that mind, and am at leaſt certain it is not that of the Remonſtrants.

Let not my own private intereſt render me guilty of injuſtice. It is, of all our foibles, that againſt which I am moſt guarded, and which I hope I have the moſt ſtrenuouſly reſiſted. Your magiſtrates act with probity in matters of indifference, and I believe they are always ſo inclined; their employments are not very lucrative; in their diſpenſation of juſtice, they are not venal; they are poſſeſſed of perſonal integrity, are diſintereſted, and I am ſenſible that virtue and uprightneſs are ſtill to be found in that deſpotic Council. In pointing out the conſequences of the negative right, I have told you leſs what they will do when become foreigners, than what they will continue to do in order to be

ſo.

ſo. Once recogniſed as ſuch, it will always be for their intereſt to practiſe equity and moderation, and it is now their intereſt to be ſo as much as poſſible. But wo be to him who has recourſe to the laws to claim his liberty! All injuſtice becomes lawful againſt thoſe who are ſo unhappy as to demand their right. Virtue, equity, and even intereſt, are of no force againſt the thirſt of dominion; and he that would be juſt if he were once maſter, will never omit any act of injuſtice in order to become ſo.

The true way to tyranny is not to make any direct attacks on the public good; that would be to raiſe every body in its defence; but to ruin its moſt zealous advocates one after another, and intimidate whoever dare ſhew any inclination to be ſo. Make every one believe that the public intereſt is not that of any individual, and ſlavery is directly eſtabliſhed; for when each perſon ſhall paſs under the yoke, where is then the general liberty? If he who durſt open his mouth is immediately ruined, who will be ſo raſh as to follow his example? And who ſhall be the ſpeaker of the public, when each individual is ſilent? The government, in that caſe, will be ſevere againſt the friends of liberty, and treat others with juſtice and humanity, until it ſhall be in a capacity to be unjuſt to all with impunity. So that the juſtice it employs is but an œconomy in ſaving that, which to diſſipate would anſwer no purpoſe whatever.

There is, therefore, one ſenſe in which the Council may be juſt, and in which it ought to be ſo by intereſt. But there is another ſenſe in which it purſues the ſyſtem of being moſt egregiouſly unjuſt. You may be convinced, from

many inſtances, how inſufficient the protection of the laws is againſt the diſpleaſure of the magiſtrate. What will be the conſequence when it ſhall once become abſolute by virtue of the negative right, and will then be no more reſtrained in its meaſures, and find no farther obſtacles to the gratification of its paſſions? In ſo ſmall a ſtate as ours, where nobody can conceal themſelves in the crowd, will not every perſon then live in conſtant fear, and will he not be ſenſible all his life of the miſery of being tyranniſed over by his equals. In a large community, the individuals are at too great a diſtance from the prince and the nobility, to be under their inſpection: their inſignificancy protects them; and if the people pay their taxes, no one moleſts them. But as for you, the leaſt motion makes you feel the weight of your chains. The relations, friends, creatures, and ſpies of your rulers will be more your maſters than they; you neither dare defend your rights, nor claim your property, leſt you ſhould incur their diſpleaſure, and create yourſelves enemies: the moſt obſcure reteat cannot conceal you from the eye of tyranny; you muſt be either its follower or its victim. You will find at once a political and civil ſlavery; you can ſcarce breathe in liberty. Behold, Sir, to what a miſerable condition this negative right will naturally bring you, in the manner it is arrogated by the Council. I believe, indeed, it would not make ſo dreadful a uſe of it, but I am ſure it might; and the mere certainty of its being capable of injuſtice with impunity, would be productive of as many evils as if it were ſo in reality.

I have now ſet before you the ſtate of your con-

conſtitution, ſuch as it appears to me; which, taken altogether, may be conſidered as ſound; and, by aſſigning the proper bounds to liberty, it gives it, at the ſame time, a firm eſtabliſhment. For as the government has a negative right againſt the innovations of the legiſlature, and the people a negative right againſt the uſurpations of the Council, the laws govern throughout the whole: the firſt man in the ſtate muſt obey as well as the loweſt; nothing is capable of infringing them, no particular intereſt can change them, and the conſtitution remains unſhaken.

But if, on the contrary, the executors of the law ſhould become its ſole arbiters, and make them ſpeak or be ſilent at their pleaſure; if the right of remonſtrating, which is the ſole guardian of laws and liberty, is but a vain and imaginary right, and can have no neceſſary effect; I ſee no ſlavery equal to yours; and the ſhadow of liberty is no more with you than a childiſh and deſpicable lure, which it is even indecent to offer people of underſtanding. Of what uſe then is it to aſſemble the body of the legiſlature, when the will of the Council is the only rule of law? Of what uſe is it to elect magiſtrates with ſolemnity, who were before your judges, and who can have no power by the election which they did not exerciſe in their former capacity? Reſign yourſelves at once, with a good grace, and lay aſide this childiſh play, which, being frivolous, ſerves but to render you more deſpicable.

This being the worſt ſtate you can arrive at, has ſtill one advantage; that is, its impoſſibility of changing but for the better. That is the only conſolation in extreme caſes; but it is a

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powerful one, when men of ſenſe and courage feel and know how to make the beſt of their ill fortune. How reſolute ſhould we be, from the certainty of arriving at the worſt? But be aſſured, you will never riſe from the abyſs into which you are fallen, ſo long as you are divided, whilſt the one part would be willing to act, and the other to ſit ſtill.

I am now, Sir, almoſt come to the concluſion of theſe Letters; and as I have pointed out to you your preſent ſtate, I ſhall not undertake to trace the path you ought to purſue in order to emerge out of your difficulties. If there be any, you and your fellow-citizens are the beſt judges, as having it immediately before you. When any one knows where he is, and where he ſhould go, he may direct himſelf without trouble.

It is ſaid by the author of the Letters, *That if a government is obſerved to have a propenſity to violent meaſures, we ſhould not delay our redreſs till the tyranny had ſecured its power* *. He beſides ſuppoſes a caſe, which he treats indeed as chimerical, *That one remedy remained, deſperate, but legal, which, in caſe of extremity, might be uſed, as the hand of a ſurgeon when a gangrene appears* †. Whether you are, or are not, in that ſuppoſed caſe, is what I have juſt now examined. My advice then is become no longer neceſſary in this point. The author of the Letters has already given it for me. All means of oppoſing injuſtice are lawful, when attended with no violence; how much more are thoſe remedies allowable which the laws permit?

When

† Page 172. * Page 101.

When the laws are tranſgreſſed in particular inſtances, you have the right of remonſtrance. But when that very right is conteſted, it becomes the caſe of the guaranty. I have not mentioned this as one of the means to give a remonſtrance its due efficacy; the Mediators themſelves did not think proper to do it, as they declared they would offer no violence to the independence of the ſtate; and at the ſame time, if I may uſe the expreſſion, they put the key of the government in their pockets *. So that, in that particular caſe, the effect of remonſtrances being rejected, is to aſſemble a general Council: but the effect of the right of remonſtrating being rejected, ſeems to be a recourſe to the guaranty. Every machine ſhould contain in itſelf the powers to make it work; when it ſtops, we muſt employ the workman to renew its motion.

I know very well where that reſource leads, and my heart has ſtill been ſo patriotic as to bewail the conſequence. I repeat once more, I propoſe nothing. What ſhall I dare ſay? Conſult your fellow-citizens; and before you reckon votes, weigh them well. Always diſtruſt the impetuoſity of youth, the inſolence of the rich, and the venality and corruption of the poor; no wholeſome advice can ever proceed from that quarter. Conſult thoſe whom an honeſt mediocrity

* The conſequence of ſuch a ſyſtem would have been, to eſtabliſh a Tribunal of the Mediation reſident at Geneva, to inquire into all tranſgreſſions of the laws. This tribunal would have effectually ruined the authority of the Republic; but the liberty of the citizens would have been better ſecured than it could have been by taking away the right of remonſtrating. Now to be a Sovereign only in name would have been no great matter; but to have liberty in reality is of much importance.

diocrity equally guards from the allurements of ambition or the venality of indigence; thoſe who are bleſſed, in an honourable old age, with the happineſs of a life void of reproach; thoſe who, by long experience, are well verſed in public affairs; thoſe who, deſpiſing the falſe luſtre of ambition, chuſe no higher rank than that of citizens; laſtly, thoſe who, having had no other views but the good of their country and the ſupport of the laws, have juſtly deſerved the eſteem of the public, and the confidence of their equals.

But above all things, be united among yourſelves. You are undone without remedy, if you continue divided. Why are you ſo, when ſo great a general intereſt naturally unites you? How, in ſuch a critical ſituation, can the voice of a ſordid jealouſy and trifling paſſions ever be heard? Are they worth enjoying at ſo dear a price? and muſt your children one day weep over their chains, and ſay, This is the effect of the unhappy diſſenſions of our fathers! In a word, you have more need of concord than conſultation. The choice you make with reſpect to your conduct, is not hard to determine. Suppoſe you ſhould make a bad choice, take it unanimouſly; by that means only it will become the beſt, and you will always do as you ſhould when you act by one conſent. This, Sir, is my advice; and I conclude juſt as I began. By my obedience to your commands, I have diſcharged the laſt duty I owe my country. I now take my farewell of its inhabitants; they can do me no farther injury, and it is no longer in my power to do them any good.

A
LETTER
TO
M. DE VOLTAIRE.

Aug. 18th. 1756.

YOUR two laſt poems, Sir, reached me in this ſolitude; but, though all my friends are acquainted with the paſſion I have for your writings, I know not from whom theſe pieces could come unleſs from yourſelf. I have found in them both pleaſure and inſtruction, and diſcovered the hand of a maſter; thinking myſelf indebted to you at once for the copy and the work. I cannot ſay that every part appears to me equally good; but the things which diſpleaſe me, ſerve only to make me place greater confidence in thoſe which give me delight. It is not without pain I ſometimes arm my reaſon againſt the charms of your poeſy; but it is with a view to render my admiration more worthy of your works, that I thus endeavour not to admire them indiſcriminately.

I will do more, Sir; I will tell you ingenuouſly, not the beauties which I think I perceive in your two poems; the taſk is too great for my indolence; nor even the faults, which it is poſſible perſons of greater judgment than me may find in them: but the diſpleaſure which at preſent affects the taſte I have for your leſſons; and I will tell it you, while I am ſtill moved by a firſt peruſal,

ruſal, in which my heart liſtened attentively to yours; loving you as a brother, honouring you as my maſter, flattering myſelf, in fine, that you will diſcover in my intentions the frankneſs of an ingenuous mind, and in my diſcourſe the the voice of a friend to truth who is ſpeaking to a philoſopher. Beſides, the more your ſecond poem enchants me, the more freely can I take part againſt the firſt. For if you have not been afraid to oppoſe yourſelf, why ſhould I be afraid of being of your opinion? I ought not to think you can make any great dependence on ſentiments you have ſo well refuted.

The whole cauſe of my complaint is in your poem on the fatal diſaſter which hath befallen Liſbon, becauſe I expected from its effect more worthy of that humanity with which you ſeem to have been inſpired. You reproach Pope and Leibnitz with inſulting mankind under their misfortunes, by maintaining that every thing is good; and expatiate ſo amply on the picture of our miſeries, that you aggravate the ſenſe of them. Inſtead of the conſolation I hoped for, you have only given me affliction. One would think you were afraid I ſhould not ſufficiently feel my own unhappineſs; and ſeem to think you give me much tranquillity in proving that every thing is evil.

Be not miſtaken, Sir; the very contrary happened to what you ſeem to have propoſed. That optimiſm, which appears to you ſo cruel, conſoles me under the very miſeries which you deſcribe as inſupportable.

Mr Pope's poem alleviates my evils, and induces me to patience; yours embitters my ſorrows, excites my complaints, and, depriving me

of

of every thing but a doubtful hope, reduces me to deſpair.

Amidſt this ſtrange oppoſition which ſubſiſts between what you lay down, and what I experience, calm the perplexity with which I am agitated, and tell me who is miſled either by ſentiment or reaſon. "Man, have patience," ſay Pope and Leibnitz: "The evils you experience are the neceſſary effect of your nature, and the conſtitution of the univerſe. That benevolent and eternal Being which governs, will protect you. Of all poſſible ſyſtems, he hath choſen that which contains the leaſt evil with the greateſt good; or (to ſay the ſame thing more crudely, if it be neceſſary) if he hath not done better, it was becauſe it was out of his power."

Now what ſays your poem? "Continue, unhappy wretch, to ſuffer. If there be a God who hath created you, he is, without doubt, omnipotent; he could have prevented all the evils you ſuffer. You muſt not hope, therefore, they will ever have an end; for we cannot ſee why you exiſt, except to ſuffer and to die." I do not know what ſuch a doctrine can contain more conſolatory than optimiſm or even fatality itſelf. For my own part, I confeſs it appears ſtill more cruel than manicheiſm. If the difficulty attending the origin of evil obliges you to alter any of the perfections of the Deity, why would you juſtify his power at the expence of his goodneſs? Were I to chuſe between the two errors, I ſhould certainly prefer the former.

You would not have your work looked upon as a poem againſt Providence; and I ſhall beware of calling it ſuch, although you have called a performance, in which I pleaded the cauſe of

mankind againſt themſelves, a book written againſt mankind. I am not to learn that a diſtinction is neceſſary to be made between the intentions of an author, and the conſequences which may be deduced from his doctrines. The juſt defence of myſelf obliges me only to obſerve to you, that my end in deſcribing the miſeries of mankind, was in my opinion excuſable, and even commendable: for I ſhewed in what manner men brought their own misfortunes on themſelves, and conſequently how they might avoid them.

I ſee not where we muſt look for the ſource of moral evil except in man, a free, improved, and yet corrupted being; and as to phyſical evils, if matter cannot be at once ſuſceptible and impenetrable, as it appears to me it cannot, they muſt be unavoidable in every ſyſtem of which man conſtitutes a part: and then the queſtion is not, "Why is not man perfectly happy?" but, "Why does he exiſt?" Again, I think I have ſhewn, that, death excepted, which can be called an evil only from its preceding preparatives, the greater part of our phyſical evils are our own work. Without quitting the ſubject of Liſbon, you muſt agree, for example, that nature never aſſembled there twenty thouſand houſes of ſix or ſeven ſtories high; and that, if the inhabitants of that great city had been more equally diſperſed, and more lightly lodged, the damage would have been much leſs, and perhaps none at all. Every body would have taken flight at the firſt ſhock, and would have been ſeen the next day twenty leagues off, as gay as if nothing had happened. But as it was, every one was obliged to ſtay, obſtinately determined to remain near the

the ruins, expoſed to new ſhocks, becauſe what they muſt leave was worth more than what they could take away. How many unhappy perſons muſt have periſhed in that diſaſter, merely from perſiſting, ſome to take their clothes, ſome their papers, and others their money! Is it not well known that the perſon of a man is become the leaſt part of him; and that there is hardly any trouble in ſaving that, when he has loſt every thing elſe?

You could have wiſhed (and who would not have wiſhed the ſame?) that the earthquake had happened rather in the middle of a deſart than in Liſbon. Can it be doubted that earthquakes happen alſo in deſerts? But no notice is taken of them, becauſe they do no harm to the gentry of the cities, the only perſons of whom any account is made. Not that they do much even to the animals and ſavages diſperſed throughout thoſe ſolitary wilds, who are neither afraid of the falling of tiles nor the tottering of houſes. But what ſignifies ſuch a privilege? Will it therefore be ſaid, that the order of things ought to be changed agreeably to our caprices; that nature ought to be ſubjected to our laws; and that we have nothing more to do than to build a city on a certain ſpot, to ſecure it for ever from earthquakes?

There are many events which ſtrike us more or leſs, according to the light in which they are ſeen; and which become much leſs horrible than they at firſt appeared, when they are examined more nearly. I have learned from Zadig, and nature daily confirms the truth of it, that an untimely death is not always a real evil, and may ſometimes paſs for a relative good. Among

the number of thoſe who periſhed under the ruins of Liſbon, many of them, doubtleſs, avoided greater misfortunes; and notwithſtanding the occaſion which ſuch a ſubject affords for pathetic and poetic deſcription, it is not certain that any one individual of thoſe unfortunate perſons actually ſuffered more than he might have done, if, according to the ordinary courſe of things, he had received the ſtroke of death through the lingering anguiſh of diſeaſe. In a word, could their end be more lamentable than that of a dying man, tormented by fruitleſs ſolicitudes; whom his heirs and their lawyers will hardly permit to breathe; whom the phyſicians murder in his bed at their eaſe; and to whom the barbarous prieſts adminiſter the bittereſt potion of death, and artfully make the patient taſte it drop by drop, even to the very dregs? For my part, look which way I will, I ſee that the evils, to which we are expoſed by nature, are much leſs cruel than thoſe which we unneceſſarily add to them.

But how ingenious ſoever we may be in fomenting our miſeries by dint of curious inſtitutions, we have not been able as yet to improve ourſelves to ſuch a degree as to make life a burden, and to cauſe us generally to prefer annihilation to exiſtence: which if we did not do, diſcouragement and deſpair would ſoon take off the greater part of mankind, and the human race could not long ſubſiſt. Now, if it be better for us to be than not to be, this would be ſufficient to juſtify our exiſtence, even if we had no indemnification to expect for the evils we are to endure, and if thoſe evils were as great as you deſcribe them. But, it is difficult to find men

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ſincere, or philoſophers good calculators, on this ſubject: becauſe the one, in making an eſtimate of the good and ill of human life, always forget the delightful conſciouſneſs of exiſtence, which is independent of every other ſenſation; and becauſe the vanity of deſpiſing death, induces the others to undervalue life; juſt like thoſe ſluttiſh women, who, having dirty gowns and a pair of ſciſſars at hand, pretend to love holes better than ſpots.

You think with Eraſmus, that there are very few people in the world who would wiſh to live their lives over again; but a man may ſet an high price upon a commodity, and yet be glad to bate a good deal on a fair proſpect of concluding the bargain. Beſides, Sir, whom am I to ſuppoſe you have conſulted on this head? The rich, perhaps, fated with falſe pleaſures, but ignorant of the true; always weary of life, yet always fearing to loſe it? Or men of letters perhaps, who of all ranks of men are the moſt ſedentary, unhealthful, thoughtful, and of courſe unhappy. Would you find men of better conſtitution, or at leaſt generally more ſincere, and who, forming the majority of the people, ought to be heard in preference to the former? Conſult an honeſt tradeſman who hath paſſed his life in obſcurity and tranquillity, free from projects or ambition; a good artizan, who lives well by his buſineſs; or even a peaſant; not indeed in France, where it is pretended neceſſary to ſtarve the peaſants in order to enable us to live; but in the country where you now reſide, and almoſt in every other free country. I will venture to lay it down as a fact, that there is not in the higher Valais, a ſingle mountaineer diſcontent

with his almoſt mechanical exiſtence, and who would not readily accept, even in exchange for the raptures of paradiſe, a perpetual regeneration in this life, fully ſatisfied to vegetate thus for ever. It is this palpable difference which makes me believe that it is often the abuſe we make of life which makes it burdenſome to us; and I have a much leſs good opinion of thoſe who regret their having been born, than of him who ſhall ſay, with Cato, "Nec me vixiſſe pœnitet, quoniam ita vixi, ut fruſtra me natum non exiſtimem." This does not prevent the ſage, however, from ruſhing voluntarily on death, when nature or fortune bring him a very diſtinct order for his departure. But according to the ordinary courſe of things, whatever evils are interperſed throughout human life, it is not, on the whole, a bad preſent; and if it be not always an evil to die, it is very ſeldom one to live.

Our different manner of thinking upon all theſe articles, ſufficiently informs me why ſo many of your arguments appear to me inconcluſive. For I am not ignorant that human reaſon takes more eaſily the form of our opinions than that of truth; and that when two people are of contrary notions, what appears demonſtrated to the one, is often mere ſophiſtry to the other. Thus, for example, when you attack the chain of beings ſo well deſcribed by Pope, you ſay it is not true, that if a ſingle atom were taken from the univerſe, the world could not ſubſiſt. On this head you quote M. de Crouzas; to whoſe authority you add, that nature is not confined to any preciſe meaſure or form; that none of the planets move in orbits abſolutely regular; that no known created being is of any preciſe

preciſe mathematical figure; that no preciſe quantity is required for any phyſical operation; that nature never acts rigorouſly exact; ſo that we have no reaſon to affirm that the loſs of an atom would be the deſtruction of the whole earth. I muſt confeſs, Sir, that I am much more ſtruck with the force of the aſſertion than with that of the proofs, and that on this occaſion I ſhould ſooner coincide with your authority than your argument.

With regard to M. de Crouzas, I never read his performance againſt Pope, nor am I capable perhaps of underſtanding it; but this is very certain, that I ſhall not give up to him what I diſpute with you, and that I place as little confidence in his arguments as in his authority. I am indeed ſo far from thinking that nature is not confined to preciſion in regard to figure and quantity, that I believe, on the contrary, nature alone follows that rigorous preciſion; becauſe nature alone is capable of making an exact compariſon between the end and the means, and of adjuſting the proportion between force and reſiſtance. As to thoſe pretended irregularities you ſpeak of, can it be doubted that they have all their phyſical cauſe? and are we authoriſed to deny the exiſtence of ſuch cauſe, merely becauſe we cannot perceive it? Thoſe apparent irregularities ariſe, without doubt, from ſome laws of which we are ignorant, and which nature follows as conſtantly as ſhe does thoſe we are acquainted with; from ſome agent which we do not perceive, the meaſures of whoſe oppoſition or concurrence are fixed in all its operations: otherwiſe we muſt flatly aſſert that there are actions that have no principle, and effects that have

have no cauſe; which is repugnant to all philoſophy.

Let us ſuppoſe that two weights are in equilibrio, and that they are nevertheleſs unequal; if to the ſmalleſt be added their quantity of difference, either they would remain ſtill in equilibrio, and we ſhould have a cauſe without effect; or their equilibrium would be broken, and we ſhould have an effect without a cauſe. But if the weights were of iron, and a ſmall magnet ſhould be concealed under one of them, the actual preciſion of nature would take away the apparent preciſion, while it would ſeem to want exactneſs even from its exactneſs. There is not a figure, not an operation, not a law in the phyſical world, to which one may not apply ſome example ſimilar to this which I have propoſed in the caſe of gravity.

You ſay, that no known being is of a preciſe mathematical figure. I aſk you, Sir, if it is poſſible there ſhould be a figure which is not ſo, and whether the moſt apparently irregular curve be not as regular in the eyes of nature as a perfect circle is in ours? As for the reſt, I conceive that if any body can poſſeſs that apparent regularity, it can be only the univerſe itſelf, ſuppoſing it a plenum and limited: for mathematical figures being only abſtractions, they have no relation to any thing but themſelves; whereas all thoſe of natural bodies are relative to other bodies, and to the motions by which they are modified. So that all this proves nothing againſt the preciſion of nature, even though we were agreed about what we mean by preciſion.

You diſtinguiſh events that are attended with effects, from thoſe which are attended with none.

I doubt much if this diſtinction be well founded. Every event appears to me to have neceſſarily ſome effect either moral or phyſical, or compounded of both, but which is not always perceived, becauſe the connection of events is ſtill more difficult to follow than that of men; as in general we ought not to ſeek for effects more conſiderable than the events they produce; the inſignificance of cauſes often renders the examination ridiculous, although the effects are certain, and often it is found that a number of effects almoſt imperceptible are united to produce a conſiderable event. Add to this, that every effect takes place, although it may poſſibly act out of the body which produced it. Thus the duſt, raiſed by a chariot-wheel, certainly has no effect on the motion of the carriage, nor influence on that of the world; but as nothing is foreign to the univerſe, every things that acts in it neceſſarily acts on the univerſe itſelf.

Thus, Sir, your examples appear to me more ingenious than convincing. I ſee a thouſand plauſible reaſons why it was not indifferent perhaps to the fate of Europe, that on a certain day the heireſs of the houſe of Burgundy had her head well or ill dreſſed; nor to the deſtiny of Rome, that Ceſar turned his head to the right or the left, or that he ſpit on one ſide or the other, in going to the ſenate where he met his puniſhment. In a word, when I recollect the grains of ſand cited by Paſchal, I am in ſome reſpects of the opinion of your Bramin; and in what light ſoever I conſider things, it ſeems to me, that if all events have not apparent effects, they have inconteſtably real ones; the chain of which

which is not eaſily purſued by the human mind, but which are never confounded by nature.

You ſay, it is demonſtrated that the heavenly bodies revolve in a non-reſiſting ſpace. It was certainly a fine thing to demonſtrate this; but for my part, according to the cuſtom of the ignorant, I put very little confidence in demonſtrations that ſurpaſs my comprehenſion. I ſhould imagine, that, in the deduction of this, the logician muſt have reaſoned nearly in the following manner.

A certain force acting according to a certain law, would give the planets ſuch a certain motion in a non-reſiſting medium: now the planets have exactly ſuch a motion, therefore they move in a non-reſiſting ſpace.—But who can tell whether there may not be a million of other poſſible laws, without hitting upon the true, according to which the ſame motions may be better explained by means of a fluid, than as they now are by means of a void? Did not the abhorrence of a vacuum long ſerve to explain moſt of thoſe effects which have been ſince attributed to the action of the air? Did not ſucceeding experiments deſtroy this abhorrence of a vacuum, and the univerſe again become a plenum? Have not new calculations again reſtored the vacuum? And who is to anſwer for it that a new ſyſtem ſtill more exact will not deſtroy it again? Let us paſs over the innumerable difficulties which a phyſiologiſt would raiſe about the nature of light and enlightened ſpace; but do you really believe, that Bayle, whoſe ſagacity and reſerve in matters of opinion I admire, as well as yourſelf, thought yours in this particular demonſtrated? It ſeems in general, that the ſceptics forget themſelves

ſelves a little, whenever they aſſume a dogmatical tone; and that they, of all people, ought to be particularly cautious how they uſe the word *demonſtrate*. When people make a boaſt of knowing nothing, how do they think to be believed in affirming ſo many things?

As for the reſt, you have certainly made a juſt correction of the ſyſtem of Pope, in obſerving that there can be no proportional gradation between the creatures and their Creator; and that if the chain of created beings reaches up to God, it is becauſe he holds that chain, not becauſe he terminates it.

With regard to the good of the whole in preference to that of a part, you make man ſay, "I ought ſurely to be as dear to my maſter, I who am a ſenſible thinking being, as the planets which probably do not think." Doubtleſs the material univerſe ought not to be more dear to its author, than a ſenſible thinking being. But the ſyſtem of that univerſe, which produces, preſerves, and perpetuates all ſenſible and thinking beings, ought ſurely to be more dear to him than any ſingle individual of thoſe beings: he may therefore, notwithſtanding his goodneſs, or rather out of that very goodneſs, ſacrifice ſomething of the happineſs of individuals to the preſervation of the whole. I believe, and hope, that I am more eſtimable in the eyes of God than the earth, or the mere material ſubſtance of a planet; but if the planets are all inhabited, as is very probable, why ſhould I be more eſtimable in his eyes than all the inhabitants of Saturn? Theſe notions, it is true, may be turned into ridicule; but it is certain that ſuch population is ſupported by analogy, and that nothing but human

man pride is againſt it. Now this population ſuppoſed, the preſervation of the univerſe ſeems, even with regard to the Deity, to be a moral object, which is multiplied by the number of habitable worlds.

That the dead body of a man affords nouriſhment for worms, for wolves, or plants, is not, I confeſs, an indemnification for the death of that man; but if, in the general ſyſtem of the univerſe, it be neceſſary to the preſervation of the human ſpecies, that there ſhould be a circulation of ſubſtance between men, animals, and vegetables, the particular inconvenience to the individual contributes to the good of the whole. I die, I am eaten by worms; but my children, my brothers, live as I have lived; and I only do that by the order of nature, for all mankind, which Codrus, Curtius, Decius, and a thouſand others, have done voluntarily for a ſmall part of it.

To return, Sir, to the ſyſtem you have attacked; I conceive it cannot be conveniently examined, without carefully diſtinguiſhing that particular evil, the exiſtence of which no philoſopher ever denied, from that general evil which is denied by the optimiſt. The queſtion is not whether individuals ſuffer; but whether the exiſtence of the univerſe be, on the whole, good or not, and whether our particular ſufferings are not unavoidable in the conſtitution of that univerſe. Thus it appears to me, that the addition of a ſingle particle will render the propoſition exact; that is, inſtead of ſaying, *Tout eſt bien*, (All is good,) we ſhould ſay, *Le tout eſt bien*, (The whole is good;) or, *Tout eſt bien pour le tout*, (All is good for the whole.) It is thus very evident,

that

that nobody can bring a direct proof either for or againſt it: for theſe proofs depend on a perfect knowledge of the conſtitution of the world, and the deſign of its Author; which knowledge is inconteſtably above the reach of the human underſtanding.

The true principles of optimiſm cannot be deduced either from the properties of matter, or the mechaniſm of the univerſe; but only by induction from the perfections of the Deity, who preſides over the whole; ſo that we cannot prove the exiſtence of God from the ſyſtem of Pope, but the ſyſtem of Pope from the exiſtence of God; and without contradiction, the queſtion about the origin of evil is derived from that of Providence. If one of theſe queſtions alſo hath been treated no better than the other, it is becauſe we have always reaſoned ſo badly about Providence, that the abſurdities of the argument have confuſed all the the corollaries that might be deduced from this important and conſolatory tenet.

The firſt of thoſe who hurt the cauſe of God were the prieſts and devotees, who will not admit that any thing happens according to the eſtabliſhed order of things; but always ſuppoſe an intervention of Divine Juſtice in events that are purely natural; and, to be certain of being right, puniſh the wicked and reward the good exactly according to the event. For my part, I know not but it may be good divinity; but I think it a very bad way of reaſoning, to conclude for or againſt individuals on thoſe pretended proofs of Providence, and to impute to deſign that which would have happened equally without it.

Again, the philoſophers, on their ſide, do not appear to be a jot more reaſonable, when we hear them complaining againſt heaven, becauſe they are not inſenſible; and crying out that all is wrong, when they have got the toothach, are indigent, or are robbed; and charging the Deity, as Seneca ſays, with the care of their portmanteau. Had any tragical accident put an end to Cartouche or Ceſar in their infancy, it had been aſked, What crimes have they committed? Thoſe two robbers have lived, and we cry, Why were they ſuffered to exiſt? A devotee, on the contrary, would ſay, in the firſt caſe, that God deſigned to puniſh the father in depriving him of his child; and in the ſecond, that God preſerved the child for the puniſhment of the people. Thus let nature act as it will, Providence is always in the right in the opinion of the devotees, and always wrong in the opinion of the philoſophers: whereas it is very likely, that, in the order of human things, Providence is neither right nor wrong; becauſe every thing depends on a certain general law, that makes no exception of perſons. It is probable that the particular events which happen here below, are nothing in the ſight of the Creator and Governor of the univerſe; that he contents himſelf with the preſervation of the genus and ſpecies, and with preſiding over the whole, without troubling himſelf about the manner in which each individual paſſes this ſhort and tranſitory life. Doth a prudent monarch, who nevertheleſs would have every body live happy under his government, give himſelf any concern whether or no the inns are good on the roads through his kingdom? The traveller indeed grumbles for a night when he finds them bad,

bad, and laughs all the reſt of his life at the abſurdity of his impatience.

Commorandi enim natura diverſorium nobis, non habitandi dedit.

To enable us to form juſt conceptions on this ſubject, it ſeems that things ſhould be conſidered as relative in the *phyſical* order, and as abſolute in the *moral*; ſo that the greateſt idea I can form of Providence, is, that every material being is diſpoſed in the beſt manner poſſible with regard to the whole univerſe; and every ſenſible and intelligent being in the beſt manner poſſible with regard to himſelf: that is, in other terms, it muſt be better for every being, conſcious of his exiſtence, to exiſt than not to exiſt. But this rule muſt be applied to the total duration of every ſenſible being; and not to ſome particular moments of his duration, ſuch as is that of human life: a circumſtance that ſhews how cloſely the ſubject of Providence is connected with that of the immortality of the ſoul; which I have the happineſs to believe, without being ignorant that it may be reaſonably doubted; and with that of the eternity of hell-torments, which neither you nor I, nor any thinking being that believes in God, ever can believe.

If we apply theſe ſeveral queſtions to their common principle, it appears to me that they all relate to that of the exiſtence of God. If God exiſts, he is perfect; if he is perfect, he is wiſe, powerful, and juſt; if he is wiſe and powerful, all is good; if he is juſt and powerful, my ſoul is immortal; if my ſoul is immortal, thirty years of life are nothing to me, and are neceſſary perhaps to the preſervation of the univerſe. If the firſt propoſition is granted me, the following

cannot be affected: if it be denied, we have no buſineſs to diſpute about the following.

We are neither of us in the latter caſe. So far at leaſt am I from preſuming any thing like it on your part, from the peruſal of your works, that the greater part of them preſent the greateſt, moſt merciful, and moſt conſolatory ideas of the Deity; and I love a Chriſtian of your order much better than one of the Sorbonne.

As to my own part, I will confeſs to you ingenuouſly, that I think neither the pro nor contra are demonſtrable merely by the light of reaſon; and that if the Theiſt founds his ſentiments only on probabilities, the Atheiſt, ſtill leſs exact, appears to found his only on oppoſite poſſibilities. Add to this, that the objections which ariſe, both on one ſide and the other, are inſoluble; becauſe they relate to things of which mankind have no true idea. I agree to all this, and yet I believe in God as firmly as in any other truth whatever; becauſe to believe and not to believe, depend leſs than any thing elſe on myſelf: a ſtate of doubt is a ſtate too violent for my ſoul; but when my reaſon is afloat, my faith cannot remain long in ſuſpence, but determines without its direction. In ſhort, a thouſand motives draw me to the moſt conſolatory ſide, and add the weight of hope to the equilibrium of reaſon.

This then is a truth at which we both ſet out, and on the ſupport of which you perceive how eaſy it is to defend optimiſm, and to juſtify Providence; and it is not neceſſary to repeat to you thoſe hackneyed but ſolid arguments which have ſo often been made uſe of on the ſubject. With regard to ſuch philoſophers as do not agree

to the firſt principle, it is in vain to diſpute with them on theſe matters; becauſe that which is only a ſentimental proof to us, cannot be a demonſtrative one to them; and it is by no means reaſonable to ſay to any man, "You ought to believe ſo or ſo, becauſe I believe it." They, on their ſide, alſo, ought to diſpute as little with us on theſe matters; becauſe they are only corollaries of a principal propoſition, which a candid opponent would hardly oppoſe them with; while, on their part, they would be wrong to inſiſt on our proving the corollary independent of the propoſition on which it is founded. I think alſo they alſo ought not, for another reaſon; and that is, it is inhuman to diſturb the peace of mind, and make men unhappy, when what we teach them is neither certain nor uſeful. In a word, I think, after your example, that we cannot too ſtrongly attack ſuperſtition which is the diſturber of ſociety, nor too highly reſpect religion which is the ſupport of it.

But I am incenſed, as well as you, that every man's faith ſhould not be left at perfect liberty; and that man ſhould dare to lay a reſtraint on conſcience, which it is impoſſible for him to penetrate; as if it depended on ourſelves to believe or not to believe reſpecting things incapable of demonſtration, or as if reaſon could be ever ſubjected to authority. Have the kings of this world any inſpection into the next? And have they a right to torture their ſubjects here below, in order to force them into paradiſe? No. Every human government is limited by its nature to civil obligations; and, whatever that ſophiſt Hobbes may ſay about the matter, if a man diſcharges his duty toward the ſtate, he owes no

account to any one in what manner he ſerves God. I know not if that juſt Being will not one day puniſh every inſtance of tyranny exerciſed in his name: at leaſt I am very ſure he will never juſtify them, nor refuſe eternal happineſs to any ſincere and virtuous believer. Can I doubt, without offending his gooodneſs and even his juſtice, that an upright heart will be excuſed an involuntary error, or that irreproachable morals are not more eſtimable than a thouſand whimſical modes of worſhip preſcribed by authority and rejected by reaſon? I will go farther: if it were in my power to chuſe, to purchaſe good works at the expence of faith, and to make up for my ſuppoſed infidelity, I ſhould not heſitate a moment; but had rather have to ſay to the Deity, "I have done, without thinking of you, the good which is agreeable to you; my heart hath been been inclined to your will without knowing it;" than to have to ſay to him, as I muſt one day do, "Alas! I love, and yet have never ceaſed to offend you; I have known your will, and yet have done nothing conformable to it."

I confeſs there is a ſort of profeſſion of faith which the laws may impoſe: but if the principles of morality and natural right be excepted, it ought to be purely negative; becauſe there may exiſt religions that attack the foundation of ſociety, and it is neceſſary to begin by exterminating thoſe religions, to ſecure the tranquillity of the ſtate. Of ſuch tenets as ought to be proſcribed, intolerance is without doubt the moſt odious: but it muſt be checked in its ſource; for the moſt ſanguinary fanatics change their language with their fortune, preaching up patience and candour only when they are not the

ſtrongeſt.

ſtrongeſt. Thus I call every man intolerant from principle, who conceives no man can be a man of virtue and probity who does not believe exactly what he does, and unmercifully conſigns to perdition all thoſe who do not think like himſelf. In a word, the faithful are very ſeldom in a humour to leave the reprobate at peace in this world; while a ſaint, who imagines he lives among the damned, readily anticipates the taſk of playing the devil with them. Again, if there ſhould be any ſuch thing as intolerant infidels, who would compel other people to believe nothing, I would puniſh them no leſs ſeverely than I would thoſe who would compel people to believe juſt what they pleaſed.

I would have therefore, in every ſtate, a moral code, or a kind of civil profeſſion of faith; containing, poſitively, the ſeveral ſocial maxims which every one ſhould be bound to admit; and, negatively, the fanatical maxims he ſhould be bound to reject, not as impious, but as ſeditious. In which caſe, every religion reconcileable to the code ſhould be admitted, and every religion irreconcileable to it rejected, while individuals ſhould be at liberty to have no other religion than the code itſelf. A work of this kind, carefully drawn up, would, in my opinion, be the moſt uſeful book that ever was compoſed; and perhaps the only one neceſſary for mankind. Here, Sir, is a ſubject worthy of your genius; and I paſſionately wiſh you would undertake ſuch a work, and embelliſh it with your poetry, ſo that, being eaſily learned, it might inſpire into all hearts, even in infancy, thoſe ſentiments of candour and humanity which are ſo conſpicuous in your writings, and are always

ways wanting in thoſe of devotees. I adviſe you to meditate on this project, which ought at leaſt to give pleaſure to your ſoul. You have given us in your poem on natural religion, the Catechiſm of Man; give us in that which I propoſe to you the Catechiſm of a Citizen. It is a ſubject that requires long contemplation, and to be reſerved perhaps for the laſt of your works, in order that you may finiſh, by an act of benevolence to mankind, the moſt brilliant career that ever was run by a man of letters.

I cannot help remarking, Sir, on this head, a very ſingular contraſt between you and me, with regard to the ſubject of this letter. Sated with glory, and undeceived with regard to the inanity of worldly grandeur, you live at freedom in the midſt of plenty; certain of immortality, you peaceably philoſophiſe on the nature of the ſoul; and if the body or the heart are indiſpoſed, you have Tronchin for your phyſician and friend: yet with all this you find nothing but evil on the face of the earth. I, on the other hand, obſcure, indigent, tormented with an incurable diſorder, meditate with pleaſure in my ſolitude, and find every thing to be good. Whence ariſe theſe apparent contradictions? You have yourſelf explained them: you live in a ſtate of enjoyment; I in a ſtate of hope; and hope gives charms to every thing.

It is with as much difficulty I cloſe this tedious letter as you will have to go through it. Forgive me, Sir, a zeal which, however it may be indiſcreet, would not have diſplayed itſelf before you, if I had eſteemed you leſs. God forbid I ſhould offend him whoſe talents I honour above thoſe of all my contemporaries, and whoſe

whoſe writings ſpeak the moſt forcibly to my heart; but the cauſe of Providence is at ſtake, on which all my expectations depend. After having ſo long deduced courage and conſolation from your leſſons, it is hard for you to deprive me of them now; to give me only a vague and uncertain hope, rather by way of a preſent palliative, than as a future indemnity. No. I have ſuffered too much in this life not to expect another. Not all the ſubtleties of metaphyſics can make me doubt a moment of the immortality of the ſoul, and of a beneficent Providence. I feel it, I believe it, I deſire it, I hope it, and will defend it to my laſt breath; and this, of all the diſputes in which I have been engaged, is the only one in which my own intereſt will not be forgotten.

I am, Sir, *&c.*

End *of the* Ninth Volume.

BIBLIOTHECA BODLEIANA